Posted by...: Scholarly Legal Blogs as part of Academic Discourse and Site for Stance and Engagement

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Abstract
This paper looks at scholarly legal blog posts as part of the new cultural practices of online scholarly legal communication and scholarly publication. Informed by a theoretical framework for genre analysis, digital genre analysis, and academic writing in a corpus of representative texts, the paper outlines first the construction and use of the blog posts as media, genre and texts where the exposition and analysis of legal issues from a core research perspective provides the platform for a major new type of academic discourse in digital communication. Looking at blog posts as the outcome of social interactions in this kind of discourse, the paper then analyses and discusses the genre as a favourable rhetorical space where a collection of interactional stance and engagement patterns help blog authors express their position and acknowledge their readers in the presentation and discussion of research-focused issues within the scholarly discipline.
Key-words: academic blog, academic discourse, genre.

1. Introduction

With the World Wide Web increasingly providing easy access for people to share, socialise, and interact with one another, greater interest has been taken in the study of genres on the Web, including blogs (or weblogs) as one of the latest forms of digital communication situated within the context of the broader genre ecology (Herring *et al.* 2004; 2005, among others). Indeed, creating blogs to present and discuss academic research from specialised Web platforms is one example of such new academic blogging practices that has attracted attention by scholars over the last few years. Several content-driven studies approaching academic blogs from different perspectives have focused on the function

of links in academic weblogs (Luzón 2009), the disciplinary communities that blogs create (Efimova and Hendrick 2005), the communicative purposes and linguistic features of blogs within academic organisations (Stuart 2006), the communication uses of blogs in academic and research circles (Mortensen and Walker 2002; Halavais 2006; Walker 2006; Davies and Merchant 2007; Luzón 2013), and the interview-based analyses of the bloggers' views of academic blogging (Kjellberg 2010; Puschmann and Mahrt 2012; Mahrt and Puschmann 2014). Looking at blogs from a strictly linguistic perspective, other studies have focused on the analysis of the language of blogs and wikis in an academic context (Myers 2010a), stance markers in public discussion blogs (Myers 2010b), and interactional metadiscourse features of self-mention linked with their thematic status and lexical verbs in newspaper and professional law blogs, where issues of generic integrity are also brought into analytical focus (Garzone 2014).

While these reviewed studies are by no means exhaustive, they show the interest in approaching academic blogs as sites of information, text, and genre, as well as the bloggers' reasons for disseminating content between academia and the wider public. This body of studies therefore provides new and interesting insights into academic blogging practices, not least because computer- and Web-mediated communication brings about changes in discourse and genre modes (Garzone 2012), along with issues of identity, social relations and ideology (Salvi and Cheng 2013). But where academic legal blogs are crucial to the evolutionary writing practices of the law in today's digital age, the reviewed studies seem to leave the specificity of academic legal blog writing almost unaccounted for in genre or computer- and Web-mediated communication research studies. This is a gap this paper will attempt to fill by providing an exploratory study of scholarly writing in the genre of legal blog posts.

To this end, the paper is guided by two interrelated research questions:

RQ1: How do legal scholars create and maintain blog posts at the interface between social media, genre, and texts and contribute to a significant new form of academic discourse?

RQ2: How do blogging scholars engage in the (academic) discourse of their field and build social relations with their readers through language use?

To answer these questions, the empirical material and research method used will first be indicated, before analysis and discussion of the findings for those questions are undertaken and some preliminary conclusions drawn.

2. Methodology

2.1. Data set

The analytical data for this study came from a corpus of 40 English-language academic legal research blog posts published on two Anglophone law Web sites over an eleven-month period (from March 2014 through to February 2015): UK Constitutional Law Association (UKCLA) and EU Law Analysis (EULA). These sites were hosted by the UK Constitutional Law Association and the University of Essex, also in the UK, and defined the sampled posts unambiguously as scholarly in character. To build up a coherent data set for qualitative and quantitative analyses, an equal number of blog posts (twenty) was chosen from those sites for inclusion in each set of the corpora. After retrieval from those sites, blog posts alone (text-based entries) were then stored on a computer to provide text file formats for such analyses, leaving out other structure-wise features ('permalinks', 'trackbacks') running down blog posts. This text file collection yielded a whole corpus of 79,088 tokens from the sampled posts in addition to other quantitative data shown in Table 1.

TABLE 1
Different data in each set of the published blogs as retrieved from Wordsmith Tools 5.0 (Scott 2008)

	EULA posts	UKCLA posts	Overall
Tokens	38,496	40,592	79,088
Types	4,343	5,633	
Sentences	1,305	1,317	
Mean (in words)	29.50	30.82	

In general, there were no strict rules for writing blog posts since blog entry length was a measure of the breadth of content that

performed best on those sites. So, the general tendency was to write just enough to cover the material at the appropriate level of detail for people to read.

In line with the scholarly orientation of the sampling, the blog posts focused on different areas of European Union law (EULA) and matters of constitutional law in the UK (UKCLA). They were mostly written by single (male) authors, whether as law professors or lecturers affiliated to UK university institutions, and given some working principles for the role of blogger as editor. In the latter case, and following personal communication I had with blog editors, all blog posts were written by native authors and followed editorial policies and practices that were left to individual bloggers to best deal with.

All of the sampled posts exhibited the conventional structure-wise features widely analysed in previous blog studies (e.g. Blood 2002; Herring *et al.* 2004; 2005; Myers 2010a), such as the date of publishing in reverse chronological presentation, name of the author, title, etc., and included the use of semiotic resources (static images) to emphasise multimodal rather than monomodal modes of communication (Kress and van Leeuwen 2001).

2.2. Data analysis procedure

In order to address the two complemental research questions in both qualitative and quantitative terms, this study is made up of two parts.

The first part provides a point of entry into the genre of scholarly legal blog posts from the interrelated levels of social medium and text. To do so, methodological issues in genre analysis (Berkenkotter and Huckin 1995; Bhatia 1996; 2004; Swales 1990; 2004) and digital genres based on blogs (Blood 2002; Miller and Shepherd 2004; 2009; Herring *et al.* 2005; Luzón 2009) were acknowledged during this part of the study. The second part looks into the published blog posts (texts) as the product of social interactions, and illustrates how blog authors engage with the discussion of their material and build social relations with the readers through language. To do so, the formal realisations of Hyland's (2005a) stance (hedges, boosters, attitude markers, self-mentions) and engagement features (reader pronouns, directives, questions, appeals to shared knowledge,

personal asides) were acknowledged during this study as two major strategies for writer-reader interaction in academic writing. Using MonoConc Pro, a text analysis and concordance programme, all of the text-based entries of posts were analysed for their potential use to perform stance and engagement functions in academic writing. Electronically searched items relied primarily on Hyland's (1998; 2005b) list of keywords for such interactional features (see his 1998 and 2005b Appendixes), and were supplemented by few other keywords showing stance and engagement. Aware of the fact that the blog posts contained words not attributed to the blog author in the surrounding text, such as words attributed to judges' reasoning or other sources, care was taken to omit those words from the analysis of those interactional markers.

3. Results and discussion

3.1. Understanding the genre of scholarly legal blogs

A close scrutiny of the blog posts reveals that they were used to provide research-based analysis, comment, and opinion on notable legislation, decisions, or reports, together with their merits or deficiencies and likely consequences for EU or UK constitutional law and policy. This situated context in which individual posts were shaped and used by the scholars in their own blogging activities and practices was sufficient to define a shared communicative purpose achieved by the genre's scholars as part of recurring activities and conventions they developed in relation to form, content, style, and audience (Berkenkotter and Huckin 1995; Swales 1990; 2004; Bhatia 1996; 2004). Of course, the scholars' purpose for creating blogs around research-based analysis and commentary types of posts tied in with the discourse community and the discursive practices embedded in the disciplinary culture of that community, whose readers shared knowledge about the genre in question (Swales 1990; 2004; Bhatia 1996; 2004). Although it has been argued that a discourse community of readers may not be readily identifiable in blogs, where such a community is "in principle completely open, [and] members often remain anonymous" (Mauranen 2013: 13), my reading of the posts within the thematic blog genre suggests that they were written (by and) *for* a very specialised group of readers,

whether as community peers or the broader constituencies (judges, lawyers, policy-makers), who shared the author's interests and concerns in the postings. Or, at the very least, the other users were all members of the (English-speaking) academic community, and would be able to recognise the specialised genre and consequently be inclined to consider the acceptability of the texts in terms of content and style.

The scholars' purpose for blogging these types of posts was functionally evident in the Introduction, Discussion and/or Conclusion sections which were organised to support and develop the authors' central argument, and to make it persuasive for their readers. In the case of a blog analysing and commenting on a decision, for instance, authors briefly outlined the facts, decisional history and judicial reasoning in expository (Introduction) sections, fleshed out the various points by providing a critical analysis and evaluation of the issues, significance and implications of the decision within a broader legal and policy context (Discussion), and thereafter restated their central argument and main supporting reasons for the issues presented (Conclusion).

Besides this purposive structure, and as shown further below, hyperlinks were essential to build in the authors' argument according to the topical focus of their posts, and relied primarily on intertextual connections with the content of other sites (Blood 2002) used essentially to organise information in the authors' blogs and to build disciplinary communities (Luzón 2009). While this practice of embedding hyperlinks revealed the strong effect exerted by "the currency of the blogosphere" (Myers 2010a: 24), it also brought out the hybrid nature of the postings in having all available genre variants (legislation, case law, research articles, textbooks, blog posts, web pages etc.) included in such links. In other words, blog posts created a hierarchy of genres authors had to deal with at any one time, and consequently provided contexts for "genre-mixing" in digital communication (Lam 2013), as well as displaying the hybridity inherent in the Internet discourse (Egbert and Biber 2013).

With these blogging practices at work, scholars were thus able to provide their postings with an essay-like writing form to present and discuss in overtly summary format their scholarly research into context-specific topics raised by those external materials (legislation, decision, reports), and consequently weave together

exposition and analysis and develop a consistent argument. In this case, authors relied on rules and conventions generally attributed to academic writing in the field of academic discourse (e.g. Hinkel 2004), such as formality and neutrality markers or lexis. However, exceptions to this were made by -n't contractions ('didn't', 'isn't', 'couldn't') being copiously used throughout to help them become persuasive 'conversational' bloggers according to the expectations of the blogging community.

By drawing from both conventionally recognised standards of academic writing and speech-like (conversational) style, bloggers were not just simply concerned with the gatekeeping function of the genre in this form of scholarly legal communication, but were particularly anxious to pursue disciplinary knowledge-making objectives (e.g. Becher and Trowler 2001) well beyond mere diffusion of information about legislative, case-law or other issues. It is no coincidence, then, that research-based commentary and analysis types of legal blogs gave prominence to the intellectual milieu in which authors wrote and determined the 'soft' issues of law they investigated around those external materials. In consequence, this form of academic writing provided the genre with a self-published, yet still professionalised and polished, shorthand for contributing to disciplinary knowledge exchange through interpretive and qualitative inquiries, and at the same time justifying this knowledge through an alternative form of academic discourse within the social medium.

With this take on the blog format in mind, the question now is whether and to what extent social interaction is built up in this peculiar form of academic discourse through language use, and specifically how blog authors create a position and stance and show their engagement with the readers around research-focused issues, while displaying the community values and knowledge of the authors' disciplinary culture. This is what will be exposed immediately below by providing a survey of the interactional stance and engagement strategies employed in the ongoing blog posts.

3.2. Stance and engagement features

Drawing from Hyland's (2005a) model of interaction in academic writing, where stance and engagement are presented as two major

discoursal features for writer-reader interactions, Table 2 shows an array of linguistic features employed to create such interactions across the 'Introduction', 'Discussion' and/or 'Conclusion' sections of the sampled posts. However, space constraints do not allow for a detailed analysis of all such features reported in Table 2, so only their bare essentials will be presented.

TABLE 2

Distribution of stance and engagement features in the blog posts across the two corpora: frequency and percentage

Feature	All blog posts	
	n.	*%*
Stance	**2,554**	**79.3**
Hedges	1,448	44.9
Boosters	527	16.3
Attitude markers	461	14.4
Self-mentions	118	3.7
Engagement	**678**	**20.7**
Reader pronouns	95	2.9
Directives	298	9.2
Questions	86	2.7
Appeals to shared knowledge	44	1.3
Personal asides	155	4.8
Total	**3,222**	**100**

The frequency counts reveal that stance and engagement features influenced significantly the authors writing in this genre, where they were signalled almost once every twenty-five words. The use of such interactional features in the posts highlights, as Hyland (2005a: 176) argues, "a textual 'voice' or community recognized personality" (stance), and the ways "writers relate to their readers with respect to the positions advanced in the text" (engagement). Overall, the findings show that hedges were by far the most frequent interactional sub-category in the samples, comprising just less than half (44.9%) of all interactional features. Hedge resources were followed by boosters (16.3%) and attitude markers (14.4%) which, taken together, amounted to almost a third of all interactional

devices, with none of the other features exceeding 10% within stance and engagement categories. Reasoning in terms of individual categories alone, more than three quarters of all those features were aimed at stance-taking (79.3%), while only less than a quarter were employed to build reader engagement (20.7%) across the sampled posts. While the proportionally higher rate of stance features in the existing data was determined, as Hyland (2005a: 186) observes, by the "critical importance of distinguishing fact from opinion", it was also closely related to "the more discursive 'soft' fields" (including law in this case) where the load supported by stance features is relevant for the writers to express more "personal opinions than those in the science and engineering fields" (Hyland 2005a: 186-187). Taken collectively, however, frequency counts of stance and engagement categories in Table 2 can also be used as a basis for characterising broad similarities to earlier studies of genres produced by particular communities across academic fields (e.g. Abdi 2002; Hyland 2005a/b, 2010), where the inclusion of those categories brings evidence of the complex interactions among linguistic features and provides an understanding of the communicative functions they serve for the writers of academic texts. Used as a guidance to understand text data and patterns of text meanings in the analysis of academic legal discourse, results of both (stance and engagement) categories in the present study are thus significant to explain the discoursal preferences made in the texts, where they highlight a strong kind of author interaction with legal material and the blogging community of readers, and reveal (interpersonal) *proximity* through the relationship between the self and the community (Hyland 2010).

Where a greater number of **hedges**, **boosters**, **attitude markers**, and **directives** is focused upon, therefore, an attempt was being made by the blog authors to emphasise the nature of social interactions and practices in academic legal discourse. To illustrate this, the most significant feature of **hedges** (44.9%) reflected the need for blog authors "to withhold complete commitment to a proposition, allowing information to be presented as an opinion rather than accredited fact" (Hyland 2005a: 178). In this case, epistemic modal verbs 'would' (312), 'could' (150), 'may' (134), and 'might' (101), used to lower the authors' claim by effecting the tentativeness of their arguments, were among the highest frequency single hedging items in the samples, totalling 697 instances of all hedges. In the example

below, we can see how the blog author speculated about the present and future of monetary legal issues, and opened up the possibility for alternative views by the readers:

(1)   But the same *might be* said of loaning money to that Member State, at interest rates far lower than it *would be* offered on the free market, via means of the ESM Treaty – and the CJEU has already found that this didn't violate the no-bailout rule (see the fuller discussion <u>here</u>). Such a scheme *could probably be* launched either inside the EU legal framework, or outside it.   EULA

Not only did this author hedge his statements but he was also concerned with establishing a personal relationship with the readers. In fact, the use of the imperative form ("see") in the surface structure of the text, typifying an engagement **directive** in Hyland's (2005a: 184-185) taxonomy, urged the readers to surf through the author's published work in previous ("<u>linked</u>") entries ("*see the fuller discussion <u>here</u>*"), and consequently was central to holding the readers' interest in the discourse.

By contrast, a look at other stance features shows that epistemic adverbs (367), epistemic adjectives (166), modal lexical verbs (153) and epistemic nouns (65) were the least numerous single devices for expressing epistemic judgments and for marking the authors' aversion to present propositional information categorically. By way of examples:

(2)   It is *perhaps* ironic therefore, but I *believe* also inevitable, that a process which was designed studiously to avoid the federal question will now bring federalism to the table as *possibly* the only medium term solution [...].   UCKLA

(3)   However, *I am not sure* that the narrative of judicial vanity is correct.   EULA

(4)   Our Government's justification for including the provision, *as far as I can see* from the Commons debate, is [...].   UKCLA

(5)   But *some kind of* federal solution will surely be needed to deal with two related issues: [...].   UKCLA

As in (1), such examples of distributional patterns are important to show how authors made use of this academic discourse feature when looking for research-based issues for law and policy, and evaluating

the strengths and weaknesses of those issues in qualitatively focused posts. By weakening the definiteness of statements, "hedges […] allow[ed] writers to open a discursive space where readers [could] dispute their interpretations" (Hyland 2005a: 179) in relation to the various issues of law exposed in their postings, and at the same time provided blog authors with a politeness strategy to make interaction between the writers and readers (Myers 1989: 5). Very clearly, this tendency to sidestep topical issues of law within postings is a natural feature of "many academic writing traditions" (Hyland 2005b: 132), and includes similar distributional patterns realised by other offline academic legal members writing in the genres of the legal case note (Tessuto 2012: 117, 139-141), legal problem question - answer (Tessuto 2011: 300-303) and barrister opinion (Tessuto 2006: 300-302).

Boosters, the second most frequent device developed in the samples (16.3%), were significant "to express [writers'] certainty in what they say and to mark involvement with the topic and solidarity with their audience" (Hyland 2005a: 179). They comprised the most frequent modal operator 'will' (21), used to express "an assessment that the accompanying proposition is valid as far as the writer can be sure" (Hyland and Milton 1997: 195), down to the modal auxiliaries 'must' (10) and 'should' (8). The latter modals were used to strengthen the writer's claim and impart an element of objectivity (Meyer 1997) or convey obligation and compulsion to act "through a sense of duty, through self-discipline, or merely through the sense of expediency" (Leech 2005: 94) by referring to logical (inferential and reasoned) necessity (Leech 2005). Adverbs (239), adjectives (191), verbs (56), and other boosting items (41), such as 'no doubt' and 'the fact that', completed the current stock of boosting resources. Thus, we read:

(6)   A continuation of national breaches of EU law after a CJEU judgment
       will always constitute a sufficiently serious breach.   EULA

(7)   However, it is a fundamental principle of human rights protection
       that human rights are for everyone including suspected terrorists,
       prisoners, criminals and foreign nationals living in the UK and the
       result *should* never be that human rights are for no-one.   EULA

(8)   *Undoubtedly*, Article 7(1) TEU already implicitly empowers the
       Commission [...].   EULA

(9)   *It is true* that the <u>ECJ maintains</u> that international agreements can
       have direct effect as an integral part of the Union legal order [...].
                                                                    EULA

(10)   *We know* that section 29 of the Scotland Act 1998 limits the legislative
       competence of the Scottish Parliament […].   UKCLA

(11)   This judgment *shows* how significant EU law can be in individual
       cases, in particular in the area of free movement of people.   EULA

We can see that the author in (6) invested in a good degree of
certainty about the validity of the proposition constructed by the
boosting modal 'will', not least because of the evidential solidity
of his source, while the author in (7) relied on boosting modal
'should' to increase the strength of his claims and convey an
element of objectivity and necessity about the material in hand,
thus sounding determined about the validity of the proposition.
In addition to advancing such commitments through modals, the
remainder of the qualitative examples above suggest something of
the author's interpretation as incontrovertible (8), further enhanced
by the author aiming to have his argument unequivocally referenced
(<u>linked</u>) to external content material (case law) of the Web (9), as a
generally established fact enhanced by the inclusive 'we' (10) or as
based on observation (11). While, reasonably, these ways of boosting
information in the posts depended upon the authors' experiences
in evaluating claims within the disciplinary assumptions of the law,
expressing epistemological issues of concern to other members
of the discipline by the assertiveness of the (boosting) claims and
"certainty of knowledge" (Salager-Meyer 1997; Nivales 2010) was
also therefore relevant in putting authors in the driver's seat of legal
inquiry, and consequently enabling them to seek to convince the
blogging community of readers about the views expressed.
      In order to convince the readers of the value of their material,
blog authors also relied on the third most occurring option of
attitude markers (14.4%) to "indicate the writer's affective rather
than epistemic attitude to propositions" (Hyland 2005a: 180). Of
the total frequency counts of attitude markers, adjectives were the
most frequent category (205), with 'important' (46) and 'relevant'
(30) being the most commonly used signals of attitudinal adjectives.
Next in the frequency was the category of adverbs (191), typified by

'significantly' (27) and 'essentially' (19) as the most frequently used items, down to nouns (65), with 'lack of' (21) and 'failure' (15) being the most popular attitudinal signals. Thus, for instance:

(12) True adherence to international law is an *important* matter, one that has many repercussions […].   UKCLA

(13) First, and *significantly*, the Court was quick to point out that, to date, only States have been members of the ECHR.   EULA

(14) If Article 352 was not legally possible (someone might bring a successful legal challenge if it was used, or one or more Member States might have purely legal objections), it would be *necessary* to amend the Treaties.   UKCLA

(15) The Council's response is as *disappointing* as it is *surprising* considering the reported unease of several national governments at the idea of letting any independent EU body looking [.…].   EULA

By imparting an element of 'relevance'/'weight', as in (12-13), 'expediency'/'requisite' (14) or 'downfall' and 'amazement' (15), these authors sought to bring readers round to their point of view within the postings, establishing part of their argument through parenthetical **personal asides** as well, as in (14). Such cases added to the bloggers' affective attitude to propositional content by the use of nouns to mark their negative tone in the utterances:

(16) As for the 'sufficiently serious' requirement, it is clearly met since the Court's ruling last year, but it is harder to argue that it applied before that date, due to *the lack of* legislation on this issue and […].

(EULA)

It becomes clear that, by emphasising the bloggers' reactions to the evaluated material, the use of different attitude markers was important in imparting the personal impression of the authors in terms of what they deemed 'appropriate', 'crucial', 'interesting', or 'problematic', with the result of consequently directing readers towards an understanding of their statements through persuasive criteria.

Directives (9.2%) were signalled primarily by obligation/necessity modals (187) and less so by predicative judgments expressing importance and necessity (65), such as 'it is important/

necessary', down to imperatives (46), such as 'let's', 'see', and 'note'. The examples below illustrate how these interactional patterns were important in creating an effective rapport with readers, whose interest in certain cognitive actions (i.e. 'it is important to consider') or textual acts (i.e. 'see') was kept alive by the blog authors:

(17)   So *it is important to consider* also the practical constraints: it is not realistic to imagine [...]. Finally, *it should be recalled* that renegotiation of loans might not be the only possibility to help out Greece.

EULA

(18)   To see why, *let's look at* those elements of the protection process, starting with the allocation [...].   UKCLA

(19)   (*Note* that these judgments should be read in that order, and...).

UKCLA

However, we should not lose sight of other less popular features in the analysis of textual data, namely, **self-mentions**, **reader pronouns**, **questions** and **appeals to shared knowledge**, and the ways they present the nature of social interactional practices in the ongoing discourse as well. In this array of interactional features, self-mentions (3.7%), realised by first person pronouns 'I' (62), 'me' (8), 'my' (14), 'we' (20), 'us' (5), and 'our' (9), were effective ways of indicating the presence of the blog authors within the posts, with the exclusive pronoun 'I' being more frequent than the exclusive pronoun 'we'. The writer of a single or co-authored post referred to himself/ herself as 'we' rather than 'I' to explain what he/she had done in the post. While the greater use of the 'I' pronoun is consistent with the higher incidence of such a pronominal form found in the larger corpus-based study of Garzone (2014: 178) dealing with Blawg Posts (as well as Comments), subjective cases of pronouns ('I' and 'we') also therefore bear out the pragmatic purpose of the genre to provide rhetorical space for self-presentation. With this pragmatic purpose at work, and as already previewed in examples above (2, 3, 4), self-presentation through 'I' and 'we' pronouns became central for bloggers to "identify oneself with a particular argument and to gain credit for an individual perspective", therefore enabling blog authors "to adopt a particular stance and disciplinary-situated authorial identity" (Hyland 2005a: 181) in line with their aims,

actual and potential readership as well as the technical possibilities of the medium. Allied with the use of 'I' and 'we' pronouns was the discourse function performed by such pronouns in particular contexts. In the example below, announcing discourse goals (Hyland 2005b: 51) in the opening lines of the post (Introduction section):

(20)   The finding is rather ominous so *we* will start with some background on the facts of the case and conclude with a rather optimistic analysis where *we* conclude that dual nationality is still a strong source of rights in EU law and that this judgment is perhaps the exception.

EULA

we can see how the pronoun served to elucidate on what the co-authors had done in their research work, and the signposting function of the pronoun became close to the "I as guide" category (Tang and John 1999) encouraging readers to read more. In other cases of single-authored posts, the exclusive 'I' pronoun helped the authors highlight their own interpretation of a given point within the Discussion and/or Conclusion sections:

(21)   In this *I* differ from Mark Elliott in his post about the Scotland Bill mentioned above.   UKCLA

(22)   Therefore, *I* reluctantly conclude that, in the light of the ECJ Opinion, those who value human rights no longer have any reason to pursue EU accession to the ECHR.   UKCLA

Bearing in mind that blog authors were committed to identifying logical fallacies, unarticulated premises, or some other issues underlying legislation, decision or reports, the use of personal reference in the examples above therefore suggests that authors were establishing their authorial presence to the highest possible degrees of "I as originator" and "I as opinion-holder" (Tang and John 1999: 29). This way, then, explicit self-mentions served not only to emphasise the importance of qualitative research carried out by the blog authors in selected areas of law, but also to project their identity more firmly within the epistemological beliefs of law. Certainly, authors mostly preferred to use a variety of passive verb structures as far as they could and therefore opted for impersonal and implicit author references. However, as a result of the social

and technical affordances of legal blogs, the use of self-mention was no less significant in maintaining personal engagement with the readers:

(23) See for a similar sort of domestic challenge to the Philip Morris case, *my* post on another smoking challenge <u>here</u>.   UKCLA

(24) However, one of the significant aspects of the analysis in HS2 (about which *I* have written at greater length <u>here</u>) is that [...].   UKCLA

These cases are self-explanatory of the <u>links</u> to self-referenced research materials providing an outlet for the bloggers' previous entries. Based on the connective affordances of those links, self-mention thus helped the authors showcase the saliency of their own research activities, and most significantly helped construct their own identity by establishing a persona for their blogs as an individualistic 'go-to-source'.

The presence of **reader pronouns** (2.9%) to claim solidarity and membership between writer and reader (Hyland 2005a: 182-183) comprised the most frequent form of inclusive 'we' (44) and related subject/object pronouns 'us' (9), 'our' (30) down to second-person pronoun 'you' (12). The need to introduce readers to the author's perspective of the topic by drawing on particular principles derived from the 'soft' data of the discipline can be seen in the example of a single-authored post below using inclusive 'we':

(25) Once *we* have understood the far-reaching implications of direct applicability, *we* may appreciate the bearing of the clause on private rights in the final provisions [...].   EULA

This emphasis on joint activity between author and reader is one which also explains the use of the second-person pronoun throughout the address of the sampled postings:

(26) I shall give some examples below of the sort of litigation engendered in the past by ISDS, so *you* can assess what this means in practice.
                                                                 UKCLA

As we see, direct reference to the reader with 'you', simulating a relationship of "equality, solidarity [and] intimacy" (Fairclough

2001: 52), was a rhetorically productive device as the author sought to engage with a (readily identifiable) audience of community readers whose claims made through the Comment facility available via the blog were recognised by the author. The fact that the second-reader pronoun ('you') was relatively underused as compared to the inclusive 'we' pronoun and other subject/object pronouns ('us', 'our'), however, seems to be at odds with the highly interactional nature of the blog genre – one which is generally conceived to rely on a strong ('you') audience-focus, as found in the study of Garzone (2014: 178), where 'you' (as well as 'I') outnumbered other pronominal forms. It can only be assumed that since this interactional device was not dotted here, there and everywhere around the posts, as would have been expected, the relative scarcity of this engagement device rested largely on the individual choices blog authors made in using the genre within social and interactive communication. In other words, blog authors perhaps missed the chance to make full use of this engagement device because of the academic writing standards they were aiming for in the publication of the posts. Whatever the reasons, inclusive 'we' and 'you' patterns, though scant, enabled blog authors and readers to put forward their own positions on the topics under research, while recognising disciplinary knowledge in a community involvement.

In addition to **personal asides** (4.8%) noted in (14), **questions** (2.7%) were used primarily to manage the structure of the argument presented in the posts or to draw readers into the research problem with an immediate reply:

(27) What are the effects of the Opinion on relations with the ECtHR? For proponents of the thesis of CJEU vanity, the effect of the Opinion on relations with the ECtHR is disastrous. The fact that the [...].
                                                                            EULA

Appeals to shared knowledge (1.3%), served "to recognize something as familiar or accepted" (Hyland 2005a: 184) by the readers:

(28) Of course, interferences with the right to privacy are justified on the basis of the public interest in enforcement of criminal law and ensuring public safety.   UKCLA

4. Conclusion

This paper has attempted to describe the genre of scholarly legal blog posts as being a rhetorically and socially motivated phenomenon shaped by the blogging practices of academics and the genre-specific forms of social interaction realised in online academic discourse.

Analysis has shown how this phenomenon places the genre within a conventionalised communicative goal of the discourse community and disciplinary culture which establish recurring communicative situations for an anticipated audience. In addition to these shared communicative activities, the interactive hyperlink mechanism characterising the content of posts in hybrid form reveals the social communicative ways in which blogging scholars create dynamics that are crucial to a genre analysis of the social medium in well-defined academic and professional contexts. This paper has also pointed out the level of academic prose in blog posts, essentially seeing it as a less rigid form than other types of academic discourse (such as research articles or textbooks) and influenced by the combined effects of the technological advantages of the online medium and the knowledge-making criteria set by the disciplinary culture. As a result of these advantages, and far from conveying an image of a shallow form of writing, the discourse of blog posts thus plays a significant role in the existing culture in that it enables authors to fast-track discreet and speculative scholarship in its short form before deciding perhaps to publish longer forms of their scholarship in mainstream publication venues.

In this view of academic prose and publication, the paper has demonstrated scholars' involvement in online disciplinary discourse, grounding patterns of text meanings in the discoursal choices of interactional stance and engagement features, and showing that they are important in positioning blog authors in relation to the legal research issues discussed in the posts and in connecting with the views of their readers. In this vein, the analysis of textual data has shown that the weight attached to interactional features varies between the functions expressed by individual devices, with blog authors however wishing to make far more use of stance markers to create argument, situate themselves within the legal community and adhere to disciplinary conventions. The analysis of these data therefore provides the high visibility of genre writers in shaping

the rhetorical, interpretive practice of discourse inherent in the academic field of law. While the results of the interactional patterns presented here broadly reflect those shaped by other academic members and communities in different offline genre contexts and disciplines, they also display the important role of generic discourse in the creation of disciplinary knowledge around the epistemology and research practices of the scholarly legal community and culture.

Based on the working of the genre in academic writing contexts, this study is therefore a contribution to our understanding of legal discourse and the social practices of its scholars in Web-mediated forms of communication along with the impact of such discursive practices on legal scholarship. The interpretation of the intentional choices made by disciplinary scholars through language use and controlled by discursive practices in the genre makes it possible to see academic legal blog posts as carrying an irrefutable, influential weight in their own right, and gaining a cultural legitimacy in the eyes of the disciplinary gatekeepers interested in promoting critical debate and knowledge about the law and legal institutions, and advancing legal scholarship. In this view, and despite the absence of an in-built quality assurance mechanism such as peer-reviewing, blogging academic legal posts becomes part and parcel of a valuable, open access and makeshift system of scientific communication adapted to the needs and interests of disciplinary scholars. Consequently, the scholarly legal blog posts examined in this paper provide a channel by which ideas and knowledge from the existing academy may be profitably tacked on to the communication practices shaped in other more established forms of discourse across academic disciplines.

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