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USING THE PERSUASIVE GENRE AS AN EFFECTIVE ESL TEACHING MODULE IN LEGAL CONTEXTS

Dr. C. NARAYANAN

Professor of English, Erode college of Law, Erode.

ABSTRACT

This paper presents selective findings from an ongoing study that investigates Persuasive legal writing skills of undergraduate students of law taking English for Specific purposes (ESP) course in Tamil Nadu, India. The ESP is an integral part of English Language Teaching (ELT). The aim of this study is to analyse and compare the discourse structure of legal paragraphs written by students of ESL-English Taught as Second Language (ESL) with Batiya's move scheme analysis based on an integrated theoretical framework of social/ legal discourse analysis and analysis of genre Swales 1990 and Bhatia 1993. Communication is a field of study that has its root in the study of persuasion. Recent years have witnessed increased attention being given to the notion of genre in the area of English Language Teaching (ELT). At the tertiary level, Indian students of English (ESL) face a significant transition in Shifting attention and the mode of their learning from the rudimentary tools of their new language to the larger components of language by which native English Speakers Communicate with one another. One such component is the use of genre in English discourse and conventions and constraints imposed on Communication to improve Persuasive skills especially in legal contexts. This paper addresses the issue.

Keywords: *ESP, Legal writing, persuasive Genre, Component, legal discourse*

Introduction

English language plays a paramount place in the legal Profession. Language is one of the tools of effective communication. The Legal Profession is the profession of presentation and interpretation. A person who has competency in English and command over English can become a competent lawyer and pleader. It is therefore necessary to attain proficiency in legal writing/ drafting and to make presentation of his / her case before the courts/Tribunals appropriately to seek justice according to law. English is not just a language in our Constitution; it is a bridge, a safeguard, and a working tool for union. The Constitution was drafted and adopted in English Article 394-A Says Hindi translation is there but English in our authoritative text for legal interpretation is the English text.

Article 348 says that all proceedings are Supreme Court and every high Court, and all bills Acts, ordinance orders and rules shall be in English. Without English, our courts cannot function. This is why all case laws are in English. Article 343 to 357 says Hindi is the official language of union, but English shall continue to be used for 15 years from 1950. Then by Official Language Act, 1963 English was allowed to continue indefinitely. English saved the unity of India. As per Article 346, Communication between state and Union shall be in English. Tamilnadu writes to the union government in English, not in Hindi. The language of Parliament is English. Article 120, all major laws (i.e) IPC-1860 (BNS, 2023), Cr. Pc - 1970 (BNSS, 2023) Indian Evidence Act- 1872 (BSA, 2023), contract Act- 1872 are originally English. The translation may cause confusion, so the English version is final.

Need for training in Legal Language

There is plenty of scope for law graduates and they have a wide range of career options in the field of Litigation, Corporate, academia, judiciary Policy making compliance, legal Journalism and, IPR. Writing, which is one of the major language skills to be mastered, is viewed only as a teacher- centered activity and as a finished product, an end in itself by both teachers and students to be tested for the purpose of certification. Writing is a complex skill and more complex skill is teaching writing. Legal writing typically deals with persuasive documents such as Court briefs, and legal letters. Legal drafting involves creating

documents such as contracts, bail petition etc. **(Paul Rylance, 1994).**

In order to mould students as competent lawyers, it is necessary to give them adequate training in persuasive skills through language. It is the need of the hour that the language teachers have to develop suitable modules to equip the students. As a practicing teacher with an experience of more than three decades in a technical institution and in a legal education institution, I tried to design a student Task based approach to the teaching of writing at the tertiary level dissatisfied with the traditional approach still in practice. Hence, the researcher has preferred to take up research study on persuasive genre especially in legal contexts. Hence, the researcher has preferred to take up research study on persuasive genre especially in legal contexts.

Theoretical background

Effective communication is essential in any profession, and genre analysis can help identify the unique linguistic features and patterns specific to particular discourse communities. **Swales (1990; 2004)** and **Bhatia (1993)** advocated for genre analysis as a means to identify the language skills required in a profession and to train learners to be efficient communicators in their workplace. In this way, genre analysis can help the gap between language and profession, and help learners to improve the necessary language skills for effective communication in their respective fields. Legal writing may be defined as the synthesis of law and fact in a language form. This is the essence of the process of legal writing/drafting. The process of legal writing operates in two planes: conceptual (content) and verbal (language).

Persuasive Genre in rhetoric:

Ever since Aristotle rhetorical inquiry and criticism has been interested in classifying discourse. One common approach has been to proceed deductively, in a top-down manner, and construct a closed system of categories. A prominent modern example and one of the many is **Kinneavy's A Theory of Discourse: The aim of Discourse (1971).** Kinneavy classifies discourse into four main types: expressive, persuasive, literary and referential. A discourse will be classified into a particular type according to which component in the communication process receives the primary focus. If the focus or aim is on the sender, the discourse will be expressive; if on the receiver, persuasive; if on the linguistic form

or code, it will be literary; and if the aim is to represent the realities of the world, it will be referential. The detail is graphically shown in **Figure 1.**

Figure 1

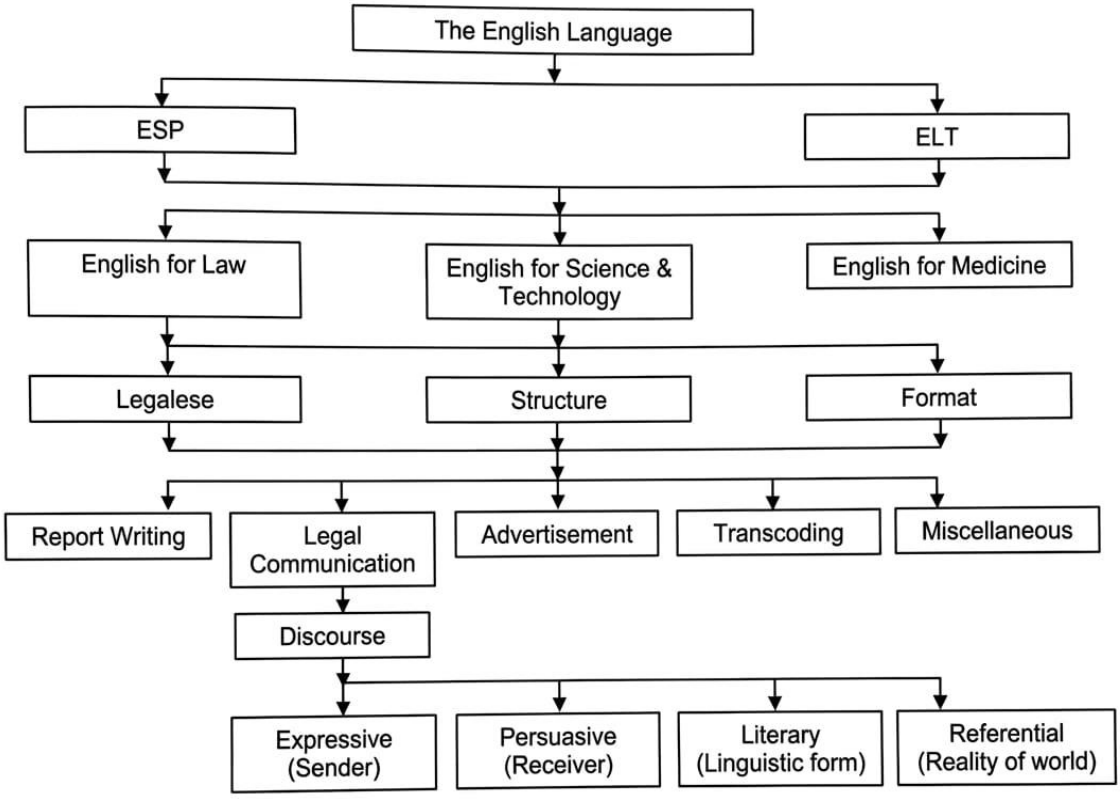


Figure 1. Aim/Focus of discourse in legal promotion writing

A useful definition of genre in contrastive rhetoric is offered by Swales (1990), who claims that a relationship exists between the purpose realized through the genre and the schematic structure of the genre, the text and the language used.

Swales writes,

> "*A Genre comprises a class of communicative events, the members of which share some set of communicative purposes. These purposes are recognized by the expert members of the parent discourse community and thereby constitute the rationale for the genre. This rationale shapes the schematic structure of the discourse and influences and*

constrains choice of content and style".

In this definition, Swales suggests that unless the participants in a communicative activity share a common focus and are homogeneous in their preference for structure, style, content, and intended audience, their communicative activity does not typify a genre. Genre is an integral part of every speech or every piece of writing. In short, human communication is persuasive.

Finally the linguist Vijay K. Bhatia contributes the following:

> *"A genre is a recognizable communicative characterized by a set of communicative purpose(s) identified and mutually understood by the members of the professional or academic community in which it regularly occurs. Most often it is highly structured and conventionalized with constraints on allowable contributions in terms of their intent, positioning, form, and functional value. These constraints, however, are often exploited by the expert members of the community to achieve private intentions within the framework of socially recognized purpose(s)* ***(Bhatia, 1993 as cited in Holland and Lewis, 2000)".***

In his definition, Bhatia focuses on discourse within the academic community and on the genre characteristics, conventions and constraints that are recognized and understood by its professional members. Bhatia's approach differs from Martin's emphasis on cultural constructs and from Swale's focus on the discourse community as a whole **(Holland & Lewis, 2000).**

The Present study

This research aims to conduct analysis of move structure and language used in bail petition paragraph and to provide the result of the analysis for pedagogical purpose to assist learners, teachers and users of legal discourse.

The current study aims to address the following questions:

1) To what extent is Bhatia's proposed move structure applicable for the analysis of the language used in bail petition paragraph?
2) What discursive function does each move in move structure serve in bail petition paragraph in English language?
3) What is the overall move structure of bail petition paragraph in English language?

METHODOLOGY

Data Analysis:

Move structure analysis was used to analyze the data. A move in a text is a meaningful unit presented in lexical-grammatical form and related to its communicative purposes **(Miller, 1984; Swales, 1990).** As pointed out by Swales, if two texts are said to belong to the same genre, they should share the same communicative purpose, and the schematic structure of a given genre is the result of the conventions and activities of the discourse community established and developed in response to recurrent rhetorical needs. For the examination and schematic structure of a genre, Swales proposes the move structure analysis frame work. Applying this, Bhatia (1993) specifies the seven move structure of legal paragraph writing. Rhetorical analysis of the persuasive legal paragraph writing in this study covers investigation into both move structure and linguistic realization of move using Bhatia's move scheme is shown in Table 1.

Bhatia Move Scheme

Table 1 Bail petition draft/ Paragraph

Move 1	Establishing credentials / Identifying case
Move-2	Establishing Summary of facts of case
Move -3	Affidavit Supporting Statements
Move -4	Grounds for bail
Move -5	Soliciting readiness to satisfy court
Move- 6	Using pressure tactics/ action sought, Duty to co-operate
Move -7	Ending Politely - Prayer

Based on Bhatia's move scheme the ESL students were taught to write persuasive paragraph writing. The tasks were performed to achieve purposes through the template formulated by the researcher specified in the following section as shown in Table 2.

Table-2 Persuasive paragraph / draft Template

Move	**Function**	**Linguistics Realization**	**Students score, each move.. 4, 3, 2, 1**
Move 1	Introduction Establishing Information	Specific details to ensure a fair hearing stating applicant identity	
Move 2	Nature of offence	Topic sentence states the reason for bail	
Move 3	Additional information to back the reason	Elaboration to back the reason is clear and persuasive	
Move 4	Law abiding	Justification for request/ grant of bail	
Move 5	Ready to furnish court documents	Willing to submit court documents to satisfy the court	
Move 6	Using pressure tactics	Action sought duty to cooperate	
Move 7	Polite request/Prayer	Polite request to enlarge the applicant on bail pending trail.	

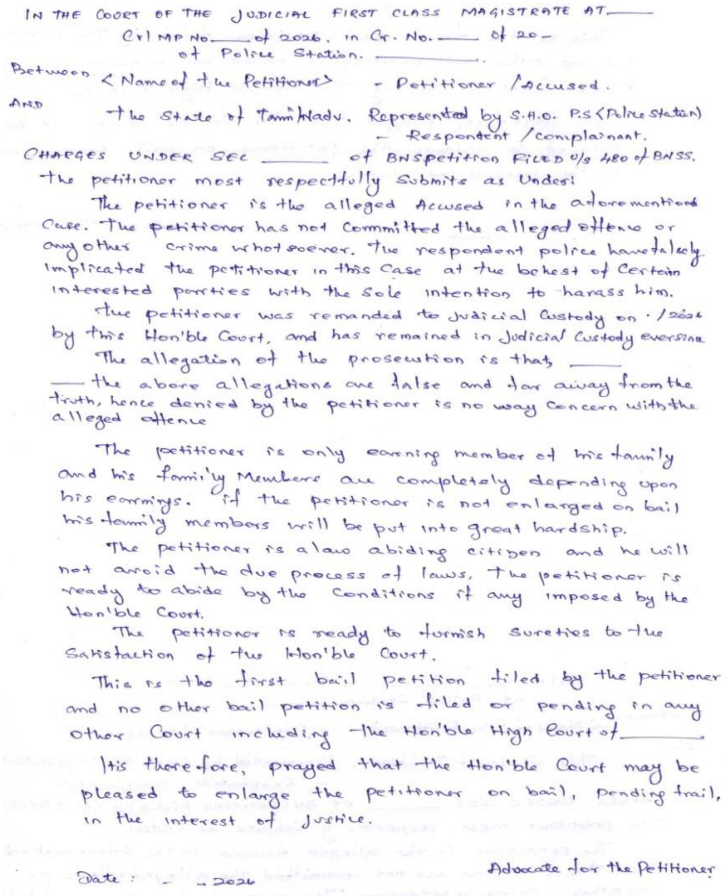
Review of Genre Accepted Definition and View point

FINDINGS AND DISCUSSION

The Study and Scenario Persuasive Paragraph writing:

Scenario bail petition paragraph writings were scanned according to the selection criteria to make sure that they all belonged to the proposed persuasive genre. Each persuasive bail petition paragraph was analyzed based on the formulated template showing all conventional moves and typical linguistic items of the selected genre. The total number of analyzed moves and steps in each paragraph was counted, with the frequency moves in each scenario aggregated.

The study collected and analyzed data sets, one of which reported in this paper. The scenario-based legal writing bail petition samples were provided by 56 students. These students were taking English for specific purpose course English - II (FA3A) in the third semester of a 5-Year BA.LL.B in Erode College of Law which is affiliated to The Tamilnadu Dr Ambedkar Law University (TNDALU), Chennai, India. This course focuses on writing legal communication (ie) Bail petition in English for court proceedings. Students took part in this study during the course of programme, when they were free in the academic schedule. The experiment lasted for two months with thirty-hour instructions and data were collected but not used in their examination. Based on the persuasive legal paragraph writing template taught to the students, a writing task with a scenario was designed, namely persuasive bail petition paragraph writing (Routine request for grant of bail) as shown **in Figure-2**.



IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE AT ——
Crl MP No. —— of 2026. in Cr. No. —— of 20—
of Police Station. ——.

Between <Name of the Petitioner> - Petitioner /Accused.

AND

The State of Tamilnadu. Represented by S.H.O. P.S (Police Station)
- Respondent /complainant.

CHARGES UNDER SEC —— of BNSpetition FILED U/s 480 of BNSS.

The petitioner most respectfully submits as Under:

The petitioner is the alleged Accused in the aforementioned Case. The petitioner has not committed the alleged offence or any other crime whatsoever. The respondent police have falsely implicated the petitioner in this Case at the behest of Certain interested parties with the sole intention to harass him.

The petitioner was remanded to Judicial Custody on ·/2026 by this Hon'ble Court, and has remained in Judicial Custody eversince

The allegation of the prosecution is that ——

—— the above allegations are false and far away from the truth, hence denied by the petitioner is no way Concern with the alleged offence

The petitioner is only earning member of his family and his family Members are completely depending upon his earnings. If the petitioner is not enlarged on bail his family members will be put into great hardship.

The petitioner is a law abiding citizen and he will not avoid the due process of laws, The petitioner is ready to abide by the Conditions if any imposed by the Hon'ble Court.

The petitioner is ready to furnish sureties to the Satisfaction of the Hon'ble Court.

This is the first bail petition filed by the petitioner and no other bail petition is filed or pending in any other Court including the Hon'ble High Court of ——.

It is therefore, prayed that the Hon'ble Court may be pleased to enlarge the petitioner on bail, pending trail, in the interest of Justice.

Date : - -2026

Advocate for the Petitioner

The figure-2 An example of the scenario bail petition paragraph writing (Routine request for bail order)

Participants were given a task describing a situation from a court environment, which required them to write a bail petition paragraph in order to help the client, the problems stated. This type of persuasive bail petition paragraph represented a familiar task and persuasive genre in their English course. Details of the data sources are presented and a summary of linguistic realization of move is presented in **Table 3.**

Table 3

Move Occurrences

Move	**No. of scenario legal writing paragraphs N = 56**
1: To get the court attention and identifying cases	**50**
2: Establishing summary of the case	**50**
3: Affidavit supporting documents	**48**
4: Grounds for Bail	**46**
5: Soliciting readiness to satisfy court	**45**
6: using pressure tactics / action sought Duty to cooperate	**40**
7: Praying for order/ specific action	**50**

Implication for Future Practice:

The teaching of persuasive genre in legal contexts and can have important implications and offer considerable opportunity for language learners particularly in India. The study of genres and persuasive genre analysis in legal context could be used. The researcher believes to change things, if ESL learners are exposed to such concepts as genres and persuasive genre especially in legal contexts to those that have significant for their lives, their motivation to learn will undoubtedly be increased as well their ability to use the second language correctly. Such change however will require more teachers to take the needs of their students into considerations and find ways of motivating them to engage themselves in activities involving goal oriented persuasive tasks.

CONCLUSION

It is assumed that the scenario persuasive legal bail petition paragraph writing, written ESL students and Bhatia move scheme, bail petition paragraph writing belong to the same genre due to the Similarities in their communicative purpose and Social/Judicial function. This study based on the notion of the persuasive genre in legal context which predicts that texts retain for similar communicative purpose will display Similarities in discourse structure across languages setting aside grammatical constraint. It is therefore expected that the finding move analysis is similar across ESL Students' scenario bail petition paragraph writing with Bhatia's move structure analysis. I believe my review and analysis enabled to meet the objectives outlined at beginning of the paper.

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