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Stance and Engagement in Law Book Reviews: A Gender Preference

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## **Abstract**

This research presents the analysis of stance and engagement markers in law book reviews. The principal objective of this study is to comprehensively analyse how male and female writers utilize stance and engagement markers to express their viewpoints on presented arguments and observe the variations in their usage and meanings. This research presents the analysis of 40 law book reviews sourced from the Harvard Law Review journal. This journal is an effective research tool for practicing lawyers and law students. Furthermore, it allows Review members to develop their writing, reviewing, and editing skills. Harvard Law Review publishes articles written by a diverse group of contributors, including students, professors, judges, alumni, and practitioners. Hyland's (2005) model of interaction was utilized to analyse the law book reviews. He divides stance into four markers (hedges, boosters, attitude markers, self-mention) and engagement into five markers (reader pronouns, directives, questions, shared knowledge, personal asides).

The findings of this study indicate that stance markers were more frequently used than engagement markers. Furthermore, both stance markers and engagement markers were found to be more prominent in the corpus of male writers when compared to female writers. The most dominant markers of stance were hedges and self-mention, while reader pronouns and questions were the most frequently used markers of engagement. Notably, the frequency of stance markers was found to be approximate twice that of engagement markers. The writers of the analysed law book reviews tended to use expressions with a lower level of certainty and expressed assumptions rather than making specific claims. Moreover, these writers made deliberate efforts to engage with the reader by posing questions, adding additional comments, and personal asides to the text.

**Keywords:** stance, engagement, gender preference, legal discourse, book reviews, Hyland's model of interaction

## **1. Introduction**

In recent decades, the study of stance has attracted the substantial interest of linguistic scholars. Consequently, this phenomenon is widely generated to investigate the language employed in diverse discourses. These investigations gain importance because of the interest in the communicative differences between people, such as tone, perspective, communication, attitude, and other communicative features towards the reader in written or spoken texts. Recognizing the differences and similarities in people communication is important as it facilitates improved communication efficacy and reduces misunderstandings, enabling them to comprehend one another better. There are numerous amounts of scholars who employ different approaches to investigate this phenomenon. As an illustration, the analysis of stance could be explored in conjunction with evaluation, evidentiality, hedging, and engagement. The analysis process provides us with a rational perspective on the communication dynamics of individuals. Examining stance and other related phenomena further sheds light on the communication obstacles, ideologies, cultural variations, and beliefs of various social groups. In this regard, identifying diverse discourses is considered a significant aspect of such analysis. Moreover, other commonly researched preferences include gender, age, and ethnicity. The present research covers the framework proposed by Hyland (2005), who suggests analysing stance and engagement phenomena using nine markers. Stance refers to the writer's viewpoint, while engagement shows how the authors establish a relationship with the audience. Although there are a lot of studies centred around Hyland's (2005) model of interaction, there needs to be more research on this subject in regards of legal discourse.

The main subject of this ongoing research is to investigate legal discourse, which encompasses the language and communication used by the legal community. This specialized form of language is understandable only to legal professionals. Legal discourse is characterized by strict language, lacking room for interpretation, and includes specific vocabulary. It is important to note that not all written or spoken text of legal discourse may be subject to the analysis in terms of stance. It is generally known that legal documents are strict and do not permit the inclusion of personal opinions, as the law takes precedence over individual perspectives. However, stance in legal discourse may be found in formal context such as book reviews, publications in reputable newspapers, debates, or similar discussions. Taking present research into consideration, book reviews were selected as the focus of the study. Book reviews encompass a critical approach in which the reviewer critiques and analyses a particular book, offering their individual evaluation and interpretation of its content.

Gender is recognized as a critical factor of this research. Consequently, many scholars have investigated gender in various fields, intending to identify differences between males and females. Present research compares the usage of stance and engagement markers of female and male reviewers who express their view on different law book reviews. The study **aims** to determine the prevalence of stance and engagement markers used by males and females. In addition, it provides illustrative examples of the usage of each marker by both genders and conducts a comparative analysis.

There are several **hypotheses** of this research:

1. Female and male writers would use more stance expressions than engagement.
2. Hypothesis of the most and least frequent stance and engagement markers:
  - a) Female writers would use hedges more frequently, while male writers would use boosters and self-mention more frequently. The least frequent marker of the stance part would be attitude markers for both female and male writers.
  - b) With respect to the engagement part, it is expected that females would use more redeal pronouns, whereas male would use more directives. Moreover, the least marker of engagement part would be shared knowledge and it would be the least prominent marker of all.

These hypotheses are based on the stereotypical image of females being gentler and males being more self-centred and confident. Moreover, the hypotheses are derived from previous similar studies presented in the Literature review section.

This research has several **objectives**:

1. To determine which stance or engagement is used more frequently in law book reviews written by female and male writers.
2. To identify which markers of stance and engagement are the most and least frequently used by female and male writers.

These objectives will be accomplished using quantitative and qualitative analysis of stance and engagement markers in law book reviews written by female and male authors, applying the framework of Hyland (2005). The explanation of the data and its analysis is presented in the Data and methods section.

The subsequent sections of this report present a literature review, the methodology utilized for data analysis, and the resulting findings. The literature review section offers a critical summary of the subject matter. It provides the evaluation and gaps of the previous studies, discusses various approaches and theoretical frameworks for the analysis, provides contextual

information, and sets the guidelines for the research being conducted. The data and methods part presents the contextual background, moreover, it outlines the main criteria for data collection. Furthermore, it briefly explains the chosen methods of the analysis. The results and discussion section presents the overall findings of the analysis accompanied with the illustrative examples of female and male writers. What is more, it provides the comparative analysis of the usage of stance and engagement markers between females and males. The conclusions present the generalised implications of the study aims and objectives with the focus on the research hypotheses.

## **2. Literature review**

### **2.1 Literature review on stance and engagement**

Stance is a linguistic mechanism that has been extensively examined among linguistic scholars. It conveys the writer's perspective on the topic under discussion. Stance expressions enable writers to present their own opinion in a way that avoids categoricalness or, conversely, emphasizes their certainty. Kockelman (2004:127) defines stance as “the semiotic means by which we indicate our orientation to states of affairs, usually framed in terms of evaluation or intentionality”. In recent times scholars conducted a significant number of research through the perspective of stance. For example, Arrese (2011) presents a model for characterizing the speaker/writer’s expression of stance and subjectivity in political discourse. The author classifies stance into effective and epistemic. Effective stance, according to Arrese (2011: 257), “pertains to the ways in which the speaker/writer’s, though stance taking acts, tries to exert control of influence on the course of reality itself” while epistemic stance “pertains to speaker/writer’s stance taking acts concerning knowledge about the events designated” (ibid. 257). She did a corpus study and examined the stance of George Bush and Anthony Blair discourses. She concluded that in Bush’s discourse there is a great balance of both stance domains while Blair’s discourse has a dominant epistemic stance. Arrese (2011:220) concurs that by employing stance, speakers can assume responsibility for their expressed utterance. Another research was conducted by Adams and Toledo (2013). They carried out a study on adverbial stance marking in the introduction and conclusion sections of legal research articles. Based on the Biber’s (et al. 1999) approach, adverbial marking of stance has been shown from different semantic categories: epistemic, attitudinal, or stylistic. Epistemic stance adverbials (e.g., certainly, clearly, obviously) appeared to be the most predominant in both the introduction and conclusion sections. The author states that those expressions appeared at making restatements of the claims previously justified in the body section. As evidenced by the findings, attitudinal and stylistic stance adverbials were also observable, however, their occurrence frequency was notably lower.

Stance is usually analysed in conjunction with other analogous linguistic phenomena such as evaluation, evidentiality, hedging, and engagement, etc. Evaluation, for instance, is a part of the stance which expresses the speaker’s evaluative opinion on subjects. As Thompson and Alba Juez (2014) assert, the stance is a more abstract concept while evaluation appears more as an actual realization of stance. To better understand the concept, the following research is taken



as an example. Hidalgo Downing and Perez-Sobrino (2022) conducted a study on stance and evaluation, which involved analysing British newspaper discourse. The main point of the research was to compare two prestigious newspapers The Times and The Guardian and how an evaluative stance is used in terms of Brexit. The aim of this analysis is to ascertain the frequency of lexical units that express evaluative stance, evaluate stance categories, and comprehend how a negative evaluative stance is conveyed regarding Brexit. The authors did a Critical Discourse Analysis (CDA) to identify evaluative stance in both newspapers. Four categories (function, part of speech, figurativity, value) were nominated for the identification of evaluative stance. Function is classified in three sub-categories: classifying (nouns), predicational (adjectives) and attitude (sentential adverbs). Figurativity stands for metaphors and value distinguishes positive or negative evaluation. The findings indicated that The Guardian newspaper exhibited a higher frequency of negative evaluation than The Times. Furthermore, more negative expressions are conveyed through classifying i.e., nouns. Metaphor, along with other categories, is utilized to convey negative evaluation in the context of Brexit. As the writers conclude, The Guardian contains a more negative evaluation of Brexit than The Times. The fundamental objective of this research was to examine the language journalists use to articulate their stance on a particular topic. Stance and evaluation phenomenon purifies words and phrases that express evaluative opinion on a subject. This type of analysis provides us with insights into the viewpoints of the writers, which are conveyed through various language mechanisms.

Relatively similar research was conducted by Bashir (et al. 2018) who did a study of modal verbs *will* and *shall* in Nigerian legal discourse. Modals *will* and *shall* could also be described as hedges. Hedges are commonly described as words or phrases that indicate the speaker's lack of certainty or confidence about a subject (Hyland 1998: 350). The research aimed to analyse their pragmatic and semantic functions as hedges in legal discourse. This study exemplifies the combination of the phenomenon of stance with hedges. However, such combination of stance and hedging has a slightly different perspective compared to the study by Hidalgo Downing and Perez-Sobrino (2022). Bashir (et al. 2018) investigated Nigerian Law Corpus (NLC). This corpus is based on court proceedings and law reports. British National Corpus (BNC) was also used for comparison with NLC. The authors concluded that *will* and *shall* diversity in meaning can cause ambiguity, fuzziness, and lack of precision which can frustrate legal provisions. Moreover, they gave an example, that *will* and *shall* sometimes seem equivalent words. The example is “Section 257 of the Constitution of the Federal Republic of Nigeria, 1999, is such that will accommodate the claims of the appellants as enumerated in their statement of claim before the lower court, the contention being 30 that subject to section 251 of 1999.” They

explain that *will*, in this case, could be replaced with *shall* or *must* when indicating an obligation; however, *will* here plays a role in indicating insistence, which is used to convey a strong volition. In this case, the modal verb *will* is the most appropriate to express this thought in terms of context. In the previously mentioned study, the authors looked for the words and phrases that express evaluation; in this study the scholars searched and analysed two specific and relatively similar words that could have distinct meanings in the legal discourse. Both studies aim to deepen our understanding of the concept of stance. However, there are differences in the specific stance markers analysed and the methods chosen.

Evidentiality is another relevant phenomenon. Aikhenvald (2004:452) defines evidentiality as “information source”. Stance alongside evidentiality strengthens or weakens the assurance in conveying the information. To facilitate a better understanding, a study by Haßler (2015) is taken as an illustrative example. The author analysed evidentiality and the expression of the speaker’s stance in Romance languages and German. Her research concludes that when the intensity of evidentiality in the utterance is high, there is a reduction in the strength of the expressed stance. For example, there are two sentences “He played soccer [I saw it]“ and “I was told that he played soccer“ (ibid. 2015: 184). The first sentence expresses confidence in its utterance: the speaker is sure about the act he saw; however, the second sentence expressed the hedging that action may have taken place, but the speaker did not see it, and in this case, the certainty disappears because of a lack of information.

Studies of stance and engagement has a similar principle as well as those discussed in the passages before. Engagement usually stands for the author’s reference to themselves or their audience. Hyland (2005) presents a wider explanation of stance and engagement concept. He defines this phenomenon as a model of interaction (ibid. 176). The studies mentioned earlier in the passages above are comparable to those by Hyland. However, the aspect of engagement introduces a slightly different dimension, whereby the writer establishes a connection with the reader. Stance, as Hyland (ibid. 176) states, is “the ways writers present themselves and convey their judgments, opinions, and commitments.” He further claims that stance expressions assist the author in confidently presenting their claims or, conversely, expressing their opinion more tentatively. Hyland asserts that the stance and engagement framework shows “how interaction and persuasion are achieved in academic discourse and what these can tell us of the assumptions and practices of different disciplines” (ibid. 177). Hyland (2008: 5) further expands his stance and engagement understanding by proposing the idea of disciplinary voices. The author explains that the term *voice* “is often used to refer to the ways writers express their personal view, authoritativeness, and presence.” He presents classification of stance and engagement

markers. Stance markers are classified into four main categories: hedges, boosters, attitude markers, and self-mention (Table 1), while engagement markers fall into five categories: reader pronouns, directives, questions, shared knowledge, and personal asides (Table 2). This classification will be used for analysis of this research paper. The following section will give a brief presentation of stance markers. Each category will be explained with examples taken from reviews that were used for the research and Hyland's presented comprehension.

### 2.1.1 Stance markers

**Table 1.** *Stance markers*

STANCE			
Hedges	Boosters	Attitude markers	Self-mention

#### Hedges

Hedges are words that express writer's uncertainty. Hedging protects a writer from claiming something with confidence and expresses indirectness. Hyland (2005: 179) declares that each word has a weight, and every author should calculate the influence of every word they write. Hedges are usually expressed by parts of speech such as adverbs (e.g., perhaps), lexical verbs (e.g., possibly), modal verbs (e.g., may be), and adjectives (e.g., likely). These are the following examples of hedges:

- (1) *Perhaps as a result, and in contrast to much of the new field, Mack's main arguments do not concern lawyer-client relationships <...>. (F\_17)*
- (2) *One might respond that this signifies little: sooner or later the nation would have to break free of the Marshall Court's fetters <...>. (M\_23)*
- (3) *These compensation schemes were also relatively easy to manage. (M\_34)*

#### Boosters

Boosters are the opposite devices of hedges, however, they serve a similar purpose in expressing the writer's attitude towards the event, idea, or other elements described in the text. According to Hyland (2005: 179), boosters emphasize the certainty of the information being presented. Furthermore, as Hyland suggests, boosters assist writers in presenting their ideas with greater confidence. Boosters usually appear as adverbs (e.g., clearly), nouns (e.g., truth), adjectives

(e.g., obvious), and lexical expressions (e.g., in fact). These are the following examples of boosters in the context:

- (4) ***In fact**, it was because of the patriot royalists' view of monarchy that they so rapidly rejected George III in the spring of 1776.* (F\_19)
- (5) *American reformers **certainly** did not face the same problem as German liberals — how “to keep a royal government from playing favourites” (p. 12).* (M\_33)
- (6) ***Indeed**, cities from many non-federal nations around the world participate in the sister-cities pro- gram.* (M\_30)

#### Attitude markers

Attitude markers are words that express author's opinion and position towards the given content in the text. Hyland (2005) states that these markers express affective rather than epistemic attitude to proposition. Moreover, the author can declare his opinion through adjectives (e.g., important), adverbs (e.g., unfortunately), and verbs (e.g., agree). These are the following examples of attitude markers:

- (7) ***Importantly**, there is some risk that the more sophisticated elements of the author's theoretical contribution may be missed by less careful readers <...>.* (F\_01)
- (8) *Perhaps the most **remarkable** — and troubling — detail that emerges from Bair's story is how, even while accepting government bailout funds, the banks felt that they were in a position to negotiate with and even defy federal regulators.* (M\_32)

#### Self- mention

Self-mention usually appears as pronouns *I, me, my*. These pronouns mostly show where the author's attention is centred. If writers repeatedly use self-pronouns, it could indicate that they emphasize their role or viewpoint in the discourse, potentially suggesting a more self-centred disposition. There are instances where pronouns such as *we* or *us* could fall into the category of self-mention rather than reader pronouns. Typically, when authors discuss themselves concerning the audience or address a topic relatable to most people, the pronoun *we* is considered inclusive. On the other hand, if authors refer to themselves and their colleagues or individuals outside the audience or topic of discussion, indicating that it is comprehensible only to those within their specific circle of interest, the pronoun *we* becomes exclusive. Hyland (2001: 223) did analysis on self-mention marker. The researcher concluded that self-mention pronouns assist the author to create an identity and announce their presence in the text. He also states that through self-referencing, authors gain their credibility and assert their role in the

research, moreover, authors tend to exhibit a desire to establish their presence and create their own voice in their work. These are the following examples of self-mention markers:

- (9) *Accordingly, in Part IV, I consider capitalism understood as a legal ordering.* (M\_27)
- (10) *Second, I want to be clear about what I mean by a “switch.” Consider the story about Chief Justice Robert’s change in NFIB.* (F\_20)
- (11) *With respect to such systems, we can offer more illuminating explanations of why they need to use coercion than the simple claim that they want to get people to do things that go against those people’s best judgments.* (M\_35)

### 2.1.2 Engagement markers

**Table 2.** *Engagement markers*

ENGAGEMENT				
Reader pronouns	Directives	Questions	Shared knowledge	Personal asides

#### Reader pronouns

Reader pronouns usually appear as devices such as *you, your, yours* and inclusive *we*. These pronouns, according to Hyland (2005: 182) are the ones that explicitly bring a reader into a discourse. They also assist in involving the reader into the argument, furthermore, the author makes a stronger connection with the audience. These are the following examples of the reader pronouns:

- (12) *It will change the way we think about American constitutional history.* (M\_23)
- (13) *But if we look at the electoral system, we will find that the “truly disadvantaged” groups <...>.* (F\_16)
- (14) *The dominant narrative among constitutional law scholars, Zackin submits, is that Americans’ distrust of government led them to adopt negative constitutional rights premised on keeping government out of our lives rather than pulling it in.* (M\_32)

#### Directives

As Hyland (2005: 184) suggests, “directives instruct the reader to perform an action or to see things in a way determined by the writer”. Directives usually appear as words such as *consider*, *imagine*, *must*, *should* etc. By employing directives, the author can effectively instruct the reader to contemplate certain information and establish a connection with the addressee, specifically in the context of law book reviews. These are the following examples of directives:

(15) *But that does not mean **we should jigger** the meaning of a constitutional grant of power to reduce it to more desirable political proportions.* (M\_36)

(16) *To accomplish that, he argues, **we need not only to provide** a basic minimum of subsistence but also to set an income ceiling <...>.* (F\_14)

As it seems, directives usually are expressed in conjunction with the reader pronouns. These pronouns such as *we* assist the author to strengthen the connection and involve the readers in the argument by directing them to take an action or to start thinking of a specific subject.

### Questions

Questions are usually a powerful tool for creating a stronger relation between author and the audience, what is more, it creates a dialogue and involves the audience to resolve a giving claim (Hyland 2005: 185). These are the following examples of questions:

(17) *So how can Carbone and Cahn claim that the gender ratios in this group are skewed in favour of men?* (F\_12)

(18) *Would you rather be a “middle class” consumer of 1960, with the reasonable hope of owning your house, or a “middle class” consumer today <...>?* (M\_27)

### Shared knowledge

The function of shared knowledge is primarily to acquaint the audience with the presented idea or claim within the text. As Hyland states (2005: 184), the use of shared knowledge allows the author to present the reader something that is recognizable and familiar. However, it is essential that the audience has a specific knowledge of the claim that is presented in the text. For instance, this research analyses law book reviews, therefore, the author probably expects his audience to be familiar with the legal discourse. Shared knowledge markers are usually expressed by using phrases such as *well-known*, *obviously*, etc. These are the following examples of shared knowledge markers:

(19) *A typical example is one **well-known** scholar’s 1972 book-length treatment of Griswold, its antecedents, and its progeny: <...>.* (F\_12)

- (20) *A grandparent is the parent of a parent. But there is **obviously** much more to know about grandparents.* (M\_35)

#### Personal asides

Personal asides could be described as the authors' interruption in the argument by the addition of their comments, furthermore, these comments not only show writers' personality, but also provide insights into their perspective on the presented claim (Hyland 2005: 183). This marker also builds a connection between the writer and the reader. These are the following examples of the personal asides:

- (21) *And because they were effectively tenured (**and thus now more likely to serve out their careers in government**) <...>.* (M\_34)

- (22) *Partly due to those structural features, the collective bargaining regime never reached even half of private sector workers (**Anderson's focus as well as mine here**), and now covers fewer than seven percent of them.* (F\_03)

Examples (21, 22) show that personal asides supplement the writer's claim and give more personal insights on a discussed subject.

There is a wide range of literature in which various scholars have employed Hyland's model. One of the examples of analysis that is performed according to Hyland's model of interaction is a study by Sayah and Hashemi (2014). They did an investigation on different disciplines discourse analysis papers. Authors agree that stance and engagement is a necessary structuring device between readers and the text. The main aim of their analysis is to identify different stance and engagement features based on Hyland (2005) model of interaction. The investigation revealed that hedges were the most used markers in linguistic articles. In contrast, boosters and attitude markers were more prevalent in educational articles, and self-mention was found to be more frequent in sociology articles. Another research that is based on Hyland's model of interaction is held by Chaemsaitong (2015). She did research on stance expressions in the courtroom. The author aimed to explain the process of stance taking in the opening statement and its role in persuasive storytelling by analysing high-profile Anglo-American trials. Taking into consideration her findings, Chaemsaitong (2015) explains in what way and which phrases of stance markers lawyers use in the courtroom. For instance, the subcategory of stance self-mention is actively used to construct epistemicity, affiliation, agency, and responsibility, moreover, these forms express personalized statements. She also concludes that lawyers use first-person singular pronouns to quote themselves or to refer to their commitment. The author asserts that opening statements embody lawyers' degrees of certainty, involvement, and

attitudes. It also helps lawyers to avoid direct comments or making obvious negative judgments about the witnesses and defendants. Both previously mentioned studies of Sayah & Hashemi (2024) and Chaemsaithong (2015) share similarities with the study that will be further described on this research paper. The first study by Sayah and Hashemi (2014) has similar purpose as this research paper, for example, the writers raise questions about the differences between stance features of ISI discourse articles with non-ISI journals in different fields of sociology, linguistic, and education; the second question is about engagement features appearance in the mentioned journals and fields. As similar as the Sayah and Hashemi, this research has a purpose to investigate stance and engagement in legal discourse, moreover, it is important to analyse the differences between stance and engagement markers. The main similarity with a study conducted by Chaemsaithong (2015) is the discourse of the research which is going to be discussed further in this research paper.

## **2.2 Legal discourse and the genre of reviews**

Over the past several decades legal discourse has attracted substantial interest from linguistic scholars. This is because legal discourse appears to be a high importance sphere in nowadays world. Different disciplines usually have a diverse terminology understood only by representatives of that specific group of people. The legal vocabulary stands for certain terms that are recognized only by people working in the legal field. Williams (1945: 71) states that language for lawyers is the greatest instrument of social control. Bhatia agrees that legal language is an integral part of the construction, interpretation, negotiation, and implementation of legal discourse (Bhatia et al 2008: 9). Legal discourse is related to acts of communication that are used in the practice of law. The importance of legal discourse raises the need for research conducted on legal language, moreover, the range of such studies is significantly wide. For example, Robert and Veda Charrow (1979) did a psycholinguistic study of jury instructions. Their aim was to analyse people's understanding of legal language and to develop a methodology that helps to isolate problematic linguistic constructions in legal language. They claim that jury instructions are not well understood by jurors because of their complexity, and this causes the incomprehensibility of a certain legal language. The results have shown that complex linguistic constructions cause understanding problems and can influence the court process. Such studies are directed to better comprehension and communication in court, moreover, these analyses provide an opportunity to look deeper into the linguistic side of legal discourse. Stance and engagement studies of legal discourse are undeniably important. Such



studies as Robert and Veda Charrow (1979), Chaemsaithong (2015) or this current research provide an understanding of the language specifications that circulate among legal community.

A book review as a type of genre is a form of literary criticism where the reviewer presents evaluation, analysis, and summary of the book's plot. Additionally, it performs a guiding role for the reader to know if a particular book is worth reading. The main purpose of the book review is to present the strengths and weaknesses of the book and help the reader to decide whether the book is worth reading. Book reviews are widely researched in different academic fields. For instance, a study of critical attitude across English and Spanish academic book reviews was held by Moreno and Suarez (2008). These authors analysed the level of criticism used by English and Spanish reviewers while evaluating books. They concluded that Spanish reviewers are less critical in comparison with the Anglo-American reviewers, however, both corpora contain more positive critical acts. As indicated by the study's results, reviewers present their perspectives and positions, which partially determine the book's success. Another research of book reviews was conducted by Tse and Hyland (2009). They analysed identity and gender in academic book reviews. Their aim was to analyse the role of gender and discipline in the performance of such an academic identity by examining a corpus of male and female written reviews in the contrasting fields of philosophy and biology. The study showed that boosters represent the widest gender differences in the corpus. According to both scholars, females primarily used boosters to amplify praise, while males, in contrast, were more inclined to use boosters to reinforce their confidence in their judgments. This study demonstrated that book reviews reflect the reviewer's attitude and vary based on gender. Another research conducted by the same authors (Tse & Hyland 2006) was about interactions in academic book reviews. Both authors analysed book reviews of different types of disciplines such as biology, philosophy, etc. They claim that "meta discourse helps reveal how writers handle the complex interpersonal relationships that the expression of ideational judgments necessitates" (ibid. 2006: 788). Their results have shown that philosophy reviews were more extensive in their evaluations and generally more critical in their judgments. The biology and sociology reviews, in contrast, devoted more attention to a book's readership, author, textual material, and publishing details. The authors claimed (ibid. 2006: 788) that using meta discourse analysis, reviewers and their reviews respond to the expectations and practices of the disciplines and interpretive framework that includes a consideration of appropriate social interactions.

Stance is widely analysed in different linguistics genres and book reviews are no exception. Zou and Hyland (2022) analysed stance in two forms of book reviews from academic blogs and journal articles. The authors state that stance is "a key element of academic reviews (ibid. 2022:

271). For the analysis authors used Hyland's classification of stance (hedges, boosters, attitude markers and self-mention). Each category was analysed separately. Authors concluded that reviews of academic blogs require different selection of stance comparing it with the reviews of academic journals. They also asserted that reviewers of academic blogs used all four stance markers more frequently. Such study has a similarity with the present one that is going to be described further on this research paper.

### **2.3 Gender studies**

Another crucial subject for this research paper is gender. One of the most common studies among academics is undoubtedly comparing the similarities and contrasts between female and male performance in various fields. For instance, Buchmann (et al. 2008) researched gender inequalities in education. This study set out to explain how girls and boys differ from early childhood to young adulthood. Lippa (2010) conducted a different study on distinctions between gender in personality and interests. He believes there is a "large" difference between women and men. According to Lippa (2010), women are more likely people-oriented, while men are more thing-oriented. Precht's (2008) research on sex similarities and differences in stance in the informal American conversation. This study has many similarities with the present one. The central aspect of Precht's (2008) research is to compare women's and men's stance expression of attitude, emotion, certainty, doubt, and commitment, Precht (ibid.) also aims to find out if women and men have differences of using stance expressions, moreover, whether there is a semantic pattern in both genders stance use. The area of the analysis was informal conversations and work context. Results have shown no significant difference in both gender frequency of stance use. However, the author claims a substantial similarity in terms of women's and men's used stance expressions. The author highlights the unusual results of her research, comparing it with other same kind of studies, and suggest exploring stance and gender field further. Understanding human differences and similarities is greatly enhanced by gender studies, and this is the reason why academics place much emphasis on it.

Nonetheless, there is still a gap in stance and engagement studies in law book reviews based on gender preference. This present study investigates the legal discourse by analysing stance and engagement in law book reviews concerning gender preferences. The present study aims to identify the stance and engagement markers used by female and male reviewers of legal books, determine which attributes are used more frequently by each gender, and analyse the preferences of female and male reviewers in their use of these markers.

### 3. Data and methods

The section below has three distinct parts: the first part describes the data being analysed, the second part briefly explains the methodology used in the analysis while the third presents the process of the analysis.

#### 3.1 Description of data

The data for the analysis is a manually constructed corpus. It consists of 40 law book reviews written by females and males. The book reviews were collected from a Harvard Law Review digital journal (<https://harvardlawreview.org/>). It is a student-run organization whose purpose is to publish a journal of legal scholarship. It serves as an important academic forum for legal scholarship. The aim of this journal is to be an effective research tool for practicing lawyers and students of the law. Moreover, it gives an opportunity for Review members to develop their writing, reviewing, and editing skills. Harvard Law Review publishes articles by students, professors, judges, alumni, and practitioners. This review was founded in 1887 by a few third-year law students at Harvard Law school. Each review is subjected to a rigorous editorial process and designed to sharpen and strengthen substance and tone. This digital journal was chosen for this research because it corresponds to the primary topic of research i.e., law, moreover, all book reviews are posted by people who studied in Harvard university and their instruction language was English. The approximate size of the corpus is 470 125 words; the female corpus contains 224 766 words, and the male corpus consists of 245 359 words (refer to Table 3).

**Table 3.** *The size of the corpus*

<b>Number of articles</b>	<b>Gender</b>	<b>Running words</b>
20	Female	224 766
20	Male	245 359
	<b>TOTAL:</b>	470 125

There were several criteria set before starting to collect the reviews:

1. Gender: the purpose of this research paper is to compare how male, and female uses different speech acts.
2. Co-authored articles were excluded from the research: this is because it would be impossible to distinguish which speech acts were used by each author.

The reviews were chosen in random order from the newest to the oldest. The range of the years that reviews were written starts from 2006 to 2021. The author of the review's status as a student, professor, or alumnus was not considered in the research because Harvard Law Review journal does not specify it either.

All irrelevant parts of the book reviews (citations, references, pictures) were removed after data collection. The corpus was limited to the running text. All articles were numbered from 1 to 40. Female reviews have the letter "F" next to the number while male reviews have the letter "M". The reviews' structure consists of a minor introduction, the discussion section occupies a major part of each review and conclusions.

### **3.2 Method of the analysis**

Both qualitative and quantitative approaches were used in this study. The primary focus of the qualitative analysis is on the stance and engagement that males and females use concerning the setting to describe their ideas and opinions. Quantitative study reveals the systemized outcomes and normalized rates of language used by men and women. In this research, quantitative analysis shows the results presented in normalized frequencies that reveal the difference between males and females using stance and engagement markers.

Hyland (2005) interaction model was applied as the framework for the analysis. Many scholars research academic discourse and language use of gender differences using his interaction model (see Literature review section). Hyland's framework reveals apparent differences and similarities between gender using different speech acts. This is why this framework is used in this research to analyse stance and engagement in the context of legal discourse. The brief classification of the model of interaction was presented above in the passage of the literature review. As it was mentioned before, Hyland (2005) classifies stance into four markers (hedges, boosters, attitude markers, self-mention) and engagement into five markers (reader pronouns, directives, questions, shared knowledge, personal asides). These markers were identified depending on the context of the propositions. The challenge that was encountered was to clarify whether an individual linguistic unit was propositional or one of stance and engagement

markers. The challenge was overcome with the aid of established criteria and thorough understanding of the definition and function of stance and engagement markers proposed by Hyland (2005). The significant difference calculator (<https://sapioresearch.com/significant-difference-calculator/>) was also used to determine whether the difference between male and female usage of stance and engagement markers was statistically significant. The procedure of the analysis is presented below.

### **3.3 Process of the analysis**

These are the following steps of the research:

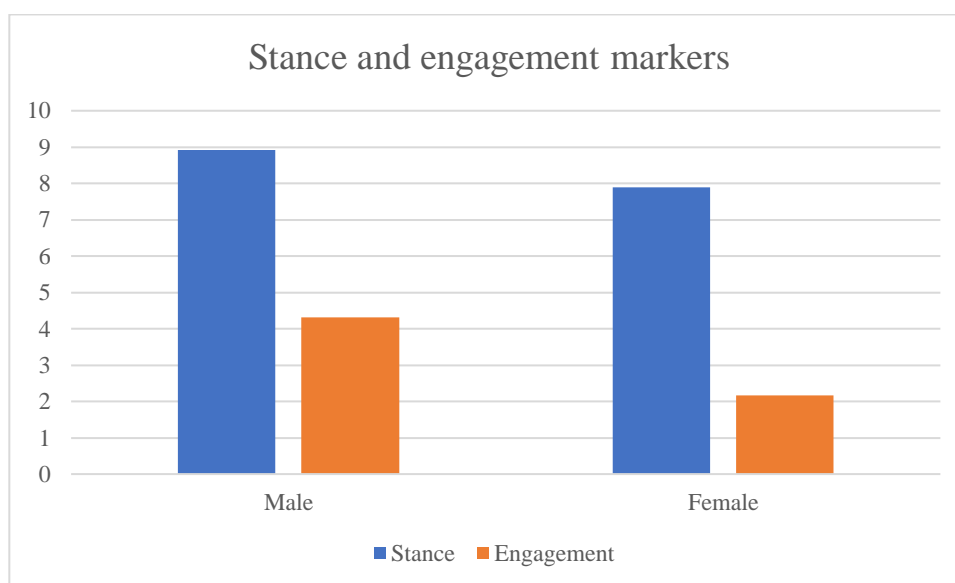
1. Complete a comprehensive inventory of stance and engagement (This was accomplished through an extensive search and collection of studies on stance and engagement, studies that include analyses of law book reviews and gender. Each study was meticulously reviewed and presented in the Literature review section).
2. Construct a corpus by selecting and preparing the data that conforms to the set requirements described in data section above.
3. Read each review and manually select the words and phrases which further are assigned to separate categories of stance and engagement. Each marker has its own colour and is presented in the appendix (See Appendix 5).
4. Produce descriptive statistics of each marker separately according to the categories.
5. Determine the difference of female and male's usage of stance and engagement markers using significant difference calculator.
6. Present and discuss the results in terms of gender differences of stance and engagement. Make conclusions and set focuses for the future studies.

## 4. Results and Discussion

The following section consists of four parts. The first part presents the overall frequencies of stance and engagement. The other two parts present a closer look at the results of stance and engagement markers separately used by female and male writers of law book reviews. The last part provides the comparative analysis of stance and engagement markers.

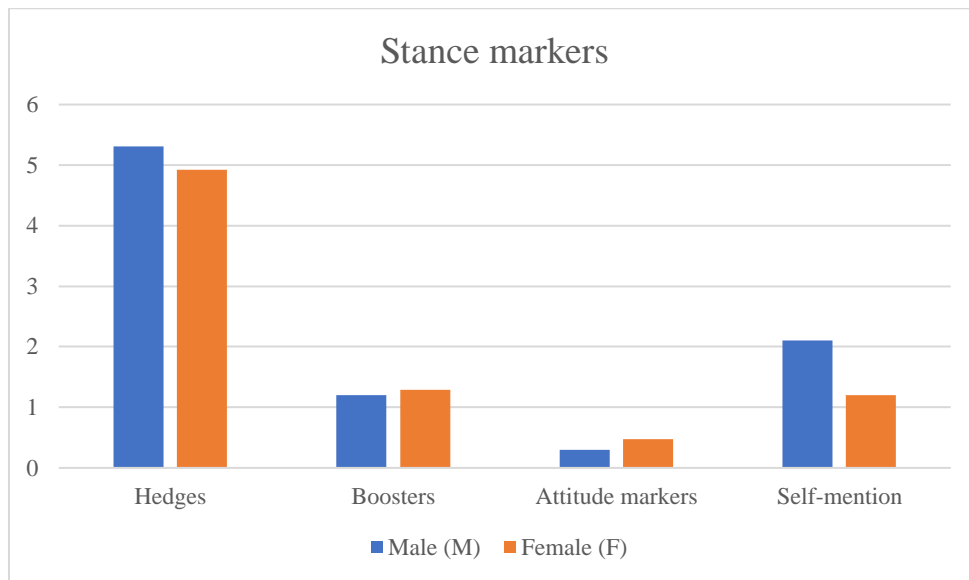
### 4.1 The overall frequencies of stance and engagement markers

Figure 1 presents the total of normalized frequencies of stance and engagement. It is evident that stance markers are dominant in this research which is consistent with the findings of other studies presented in the literature review section. As an illustration, Sayah & Hashemi (2014) conducted research on stance and engagement and their findings indicated that stance markers were more prominent in their study as well as in the present one.



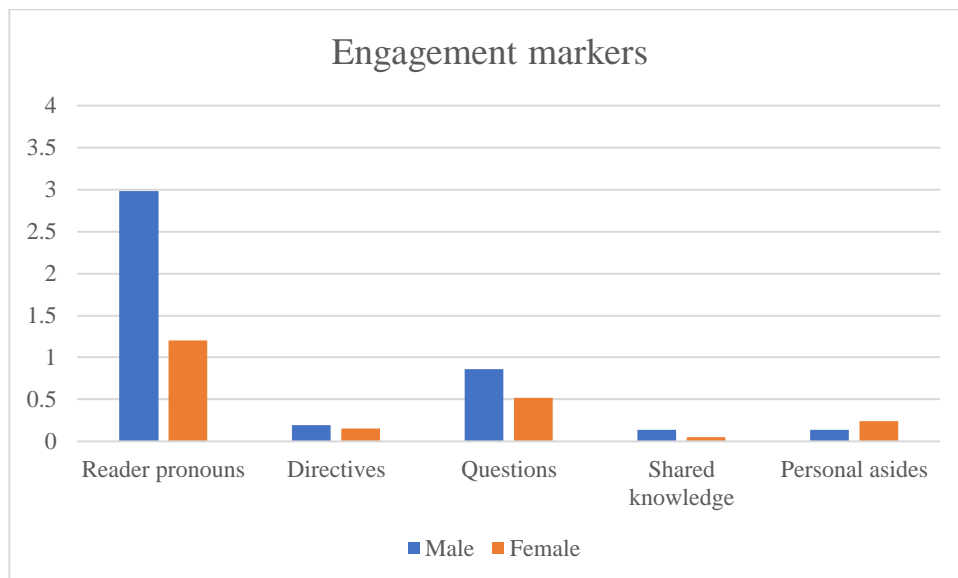
**Figure 1.** Total normalized frequencies (*fr/1000*) of stance and engagement markers

Figure 2 shows that the most frequent markers of stance were hedges (M 5.31 and F 4.92 *fr/1000*) and self-mention (M 2.1 and F 1.2 *fr/1000*).



**Figure 2.** *Normalized frequencies (fr/1000) of stance markers*

Male writers used hedge expressions slightly more often compared with female authors. However, the differences in context were not that significant. Self-mention was the second most frequent marker in law book reviews. Male authors used self-mention approximately twice more often than female authors. The two least used stance markers were boosters (M 1.2 and F 1.29 fr/1000) and attitude markers (M 0.3 and F 0.48 fr/1000). Compared to male authors, the data showed that female writers utilized boosters and attitude markers expressions more frequently.



**Figure 3.** *Normalized frequencies (fr/1000) of engagement markers*

The dominant markers of engagement part were reader pronouns (M 2.98 and F 1.2 fr/1000) and questions (M 0.86 and F 0.52 fr/1000). Reader pronouns were used significantly less by women authors comparing it with the usage by men. Questions were the second most frequent

marker. Men writers used this marker twice more, comparing it with women's frequency. The three least frequent markers were personal asides (M 0.14 and F 0.24 fr/1000), directives (M 0.19 and F 0.15 fr/1000), and shares knowledge (M 0.14 and F 0.05 fr/1000). Men authors used more directives and shared knowledge expressions while women employed more expressions of personal asides.

The section below consists of two parts. The first part presents the analysis on stance markers, and the second presents the analysis of engagement markers used by female and male writers in law book reviews. Each given example (word or phrase, e.g., *perhaps*, *indeed*, *in my view*, etc.) is taken from both male's and female's corpus each and compared in between.

## **4.2 The stance markers**

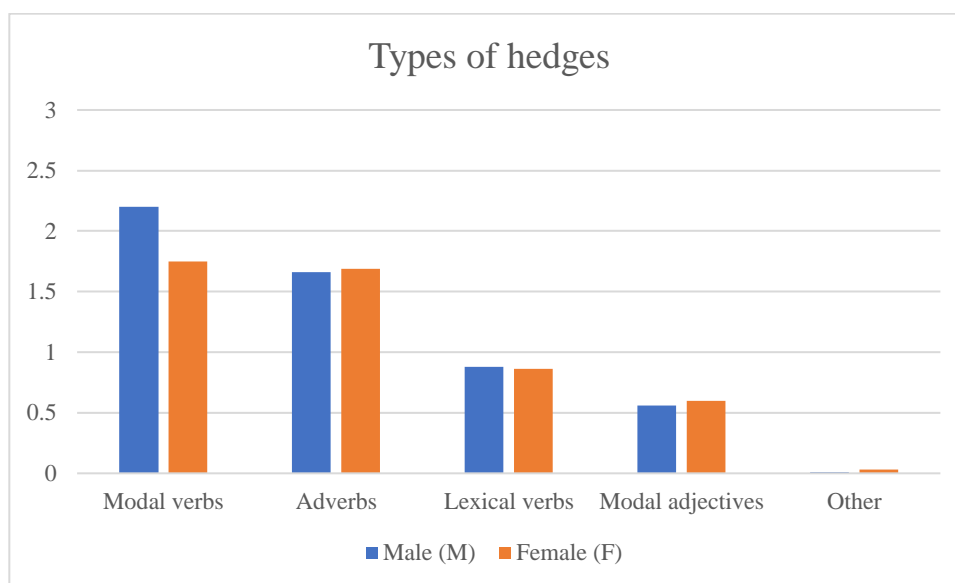
This section presents and compares the normalized frequencies of stance markers in female and male corpora.

### **4.2.1 Hedges**

Stance in male and female corpora was expressed mostly through hedges. As Hyland (2005:179) explains, hedges express the writer's decision to lower a degree of certainty when presenting a statement; information is expressed as an opinion rather than an accredited fact. Considering that this research's data is book reviews, it is not surprising that reviews include a lot of statements where writers of this genre express their opinion on a book that they have read and formed their own view. Hedges allow writers to avoid straightforward statements and present their opinion more reasonably. Hedging helps soften the tone and leaves a gap for a reader to form their view. In this way writers' statements and ideas become only guidelines for the audience. Considering legal discourse, legal communication requires a consistent stance. The law community often uses rhetorical devices, and various techniques of argumentation in book reviews or different type of articles where they express their own view and opinion on subject. Those techniques usually appear as evidence, emotional appeals, etc. Every statement or argument should be presented pleasantly and respectfully. Hedges help to carefully frame an argument and avoid certainty. Figure 4 shows the frequency differences of hedges by females and males.



Hedges could also be divided into five categories: modal verbs, adverbs, lexical verbs, modal adjectives and other. The figure below shows the results of each category separately:



**Figure 4.** *Categories of hedges (fr/1000)*

Figure shows that male and female authors tend to use modal verbs (M 2.2 and F 1.75 fr/1000) and adverbs (M 1.66 and F 1.69 fr/1000) while hedging. Modal verbs are used mainly to express different degrees of possibility and probability. As it is known, people use modal verbs such as *might* and *may* to shade the meaning of their statement or idea. Table 5 below shows all modal verbs used in male and female corpora (see Table 4).

**Table 4.** *Normalized frequencies of modal verbs as hedges (fr/1000)*

Modal verb	Male	Female	Total
May	1	1.13	2,13
Might	1.08	0.51	1,59
Would	0.04	0.07	0.11
Could	0.01	0.04	0.05
Maybe	0.07	0	0.07
<b>TOTAL:</b>	<b>2.20</b>	<b>1.75</b>	<b>3.95</b>

The hedges as modal verbs will be explained more deeply with the aid of analysed examples below<sup>1</sup>:

- (23) *These factors **may** also explain some of the Court's decision making.* (F\_04)
- (24) *The theory **might** be normatively appealing, but it is not descriptively accurate it is rather an exercise in connecting the dots (or at least some of them) post hoc.* (F\_07)
- (25) *One polar position **might** be that the text plays a purely formal role, analogous to that of the Queen in the current British government: <...>.* (M\_26)
- (26) *<...> and the international mechanisms to which appeals **may** be directed are extremely weak and themselves largely dependent upon states.* (M\_38)

The examples presented above show the usage of hedges *may* and *might* as modal verbs in the analysed book reviews. These two modal verbs are chosen as examples because as Table 5 shows they were the most used in the corpora. In (23) and (26), both man and woman writers use the same modal verb *may*. In both cases, this modal verb expresses the possibility and weakens the certainty of a given statement. Example (23) expresses the idea that there could be more factors and explanations that could influence the Court's decisions. The example (26) presents a thought that the argument in this statement is not definitive but rather a suggestion or a possible option. In general, considering both contexts, the hedge *may* is used to express the same idea.

Examples (24) and (25) include modal verb *might*. This modal verb usually expresses low probability and degrees of certain levels of the presented subject. In example (24), the meaning of the modal verb *might* present an idea that the statement needs to be fully assured. In other words, it is a cautious evaluation of the theory's potential appeal. In (25), the use of *might* presents us with the idea that there are different positions regarding the role of the text. The author lets us know that there could be other positions in which the text may be interpreted. It is instead a hypothetical view of the author. This modal verb in both cases has the same meaning.

The second most frequently used hedge is adverbs. They serve as a complement to the part of speech that follows and enhance or, in the present case, diminish the meaning conveyed. Table 6 shows all adverbs used in male and female corpora (see Table 5).

**Table 5.** *Normalized frequencies of adverbs as hedges (fr/1000)*

Adverbs	Male	Female	Total
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<sup>1</sup> The numbering of the examples continues from the Literature review section.

<b>Often</b>	0.35	0.40	0.75
<b>Perhaps</b>	0.26	0.39	0.65
<b>Generally</b>	0.25	0.18	0.43
<b>Sometimes</b>	0.17	0.15	0.32
<b>Relatively</b>	0.13	0.08	0.21
<b>Frequently</b>	0.04	0.10	0.14
<b>Typically</b>	0.04	0.11	0.15
<b>Presumably</b>	0.05	0.05	0.1
<b>Usually</b>	0.06	0.04	0.1
<b>Seemingly</b>	0.07	0.03	0.1
<b>Probably</b>	0.04	0.04	0.08
<b>Apparently</b>	0.05	0.02	0.07
<b>Mostly</b>	0.02	0.02	0.04
<b>Approximately</b>	0.02	0.01	0.03
<b>Possibly</b>	0.02	0.01	0.03
<b>Almost</b>	0.01	0.02	0.03
<b>Appropriately</b>	0.02	0.01	0.03
<b>Quite</b>	0.02	0	0.02
<b>Rather</b>	0.01	0.01	0.02
<b>Plausibly</b>	0.02	0	0.02
<b>Mainly</b>	0	0.01	0.01
<b>Admittedly</b>	0.01	0	0.01
<b>Rarely</b>	0.01	0	0.01
<b>TOTAL:</b>	<b>1.66</b>	<b>1.69</b>	<b>3.35</b>

These are the following examples of adverbs as hedges:

- (27) *The interactive nature of foreign affairs federalism means that different tools — pickaxes, **perhaps** are needed to understand and evaluate it. (M\_30)*
- (28) ***Perhaps** the most rewarding part of Anderson’s account is her excavation of the history of ideas about freedom and unfreedom at work <...>. (F\_03)*
- (29) *Moreover, private companies’ technologies are **typically** proprietary trade secrets and safeguarded from disclosure by intellectual property law. (F\_05)*
- (30) *The insistence on peering is made all the more curious by the fact that networks **typically** peer only when volumes are symmetrical. (M\_25)*

In examples (27) and (28), both writers use hedge *perhaps*. This type of hedge presents the idea of presumption. Example (27) shows that the author doubts the evaluation of foreign affairs federalism. He is still determining if this analogy “pickaxes” is an excellent fit to describe the subject he is presenting. By using hedge *perhaps*, the author remains open to the possibility of using other analogies instead of this presented one. The same adverb is used in the example (28). This sentence presents the idea that the author thinks the most rewarding part of Anderson’s account is her excavation; however, the hedge *perhaps* at the beginning of the sentence shows his uncertainty on this claim. The author leaves a gap for the reader to interpret and form his idea of the most rewarding part of the account. Adverb *perhaps* in both examples appear to be used to express the same idea.

In examples (29) and (30), both authors use hedge *typically*. The writer of the (29) example explains the issue that there are companies who claim their technologies as proprietary trade secrets, however, an adverb *typically* helps the authors to avoid a definite statement that all companies keep this policy. He claims this fact is more of a stereotype that is not applied to every firm. In example (30), the author speaks about networks and how they peer only when volumes are symmetrical. This example also expresses the stereotypical approach that all volumes should peer when they are symmetrical, but when the writer uses the word *typically*, he leaves the possibility that there may be an exception. Both these examples convey the same meaning.

Another category of hedges comprises lexical verbs, which rank as the third most frequently employed. Like other hedges categories, lexical verbs convey hesitancy and uncertainty regarding the presented argument. Table 6 provides a comprehensive list of the lexical verbs employed in both male and female corpora (refer to Table 6).

**Table 6.** *Normalized frequencies of lexical verbs as hedges (fr/1000)*

Lexical verbs	Male	Female	Total
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<b>Seem</b>	0.49	0.38	0.87
<b>Suggest</b>	0.29	0.35	0.64
<b>Offer</b>	0.05	0.06	0.11
<b>Appear</b>	0.05	0.06	0.11
<b>Tend to</b>	0	0.01	0.01
<b>Doubt</b>	0.01	0.01	0.02
<b>TOTAL:</b>	<b>0.88</b>	<b>0.86</b>	<b>1.74</b>

These are the following examples of hedges as lexical verbs:

- (31) *This approach **suggests** a way in which sentencing, and punishment can better avoid affective blame and instead further rehabilitative and related ends, while nonetheless serving the demands of justice.* (F\_16)
- (32) *Blinder **suggests** that while the housing price bubble and the subsequent collapse would have happened, the collapse would not have been so bad if bank regulators had cracked down on bad mortgage lending <...>.* (M\_22)
- (33) *These courts **seem** to blame plaintiffs for trusting those they love.* (F\_06)
- (34) *Instead, they **seem** to address a broader readership interested in the lessons of immigration law for separation of powers, federalism, administrative law, foreign affairs, and U.S. history generally.* (M\_29)

The word *suggest* is used as a hedge in (31) and (32). Example (31) presents an approach the author suggests avoiding affective blame. By using this type of hedge, the author proposes an argument but, on the other hand, employs his suggestion as an alternative, although he lets the audience form their ideas on ways to avoid affective blame. In example (32), the author presents the suggestion made by Blinder. By using the other author's suggestion, the writer puts all responsibility for the suggestion to the other author while leaving himself in a neutral position. Both given examples have the same meaning regarding the presented subjects.

Examples (33) and (34) contain different lexical verbs. In both these examples, the hedge seems to convey a meaning that authors do not state their arguments as a proven fact. Instead, those arguments mostly appear as observations or impressions on the subject.

The fourth category in regards of frequency is modal adjectives. This type of adjectives expresses the degree of certainty or possibility. These types of words are employed in the

context to soften the tone of the given argument. The table above shows all modal adjectives used in male and female corpora (refer to Table 7).

**Table 7.** *Normalized frequencies of modal adjectives as hedges (fr/1000)*

<b>Modal adjectives</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Likely</b>	0.30	0.48	0.78
<b>Unlikely</b>	0.07	0.06	0.13
<b>Possible</b>	0.08	0.03	0.11
<b>Plausible</b>	0.06	0	0.06
<b>Apparent</b>	0.02	0.01	0.03
<b>General</b>	0.02	0.01	0.03
<b>Doubtful</b>	0.01	0.01	0.02
<b>Typical</b>	0.01	0	0.01
<b>TOTAL:</b>	<b>0.56</b>	<b>0.60</b>	<b>1.16</b>

The examples of modal adjectives as hedges are presented below:

- (35) *These rules seem to embody a particular normative view of government that is **likely** to be contested by those who do not share El Hauge’s vision.* (F\_07)
- (36) ***Likely** few observers believe that Congress is so dominant in making immigration law that statutes leave little or no room for the President to make meaningful immigration law decisions.* (M\_29)
- (37) *Another **possible** reading is that Schauer is not using the term “nature” in the standard philosophical way; <...>.* (M\_35)
- (38) *But there is a different **possible** view of the extent to which reforms both endogenous and exogenous to the Courthave improved capital punishment.* (F\_04)

In (35) and (36) hedge *likely* conveys a meaning of a possibility. Both authors insure themselves from certainty of the presented claim. Examples (37) and (38) express the same idea as examples with *likely*. Authors present their claims, however, they leave a gap for the reader’s interpretation without stating the statements as facts.

The least frequent category of hedges is named “other” because it includes phrase which cannot be assigned to any of the categories mentioned above. This category includes only one phrase *in my view*. The example is presented below:

(39) *In my view, the balance of scholarship in this area suggests that we should press in a more critical fashion against claims that discrimination is mere accident <...>. (F\_01)*

(40) *In my view, such a recommendation is a promising and welcome one <...>. (M\_35)*

These two examples show the authors' subjective opinions on a given statement. The expression of their own opinion gives a reader the ability also to form their own. Moreover, this refers to the reader sharing a thought that the author accepts other viewpoints and interpretations.

#### 4.2.2 Self-mention

This stance marker helps the authors refer to themselves by using pronouns or possessive adjectives. It is the second most frequent marker of the stance part. Hyland (2005: 181) states that the use of the first person is directly tied to the need to both strongly identify with a given argument and to be given credit for the individual perspective. When mentioning themselves while presenting the argument, the authors take full responsibility for the truthiness of the statement. The table below presents all cases of self-mention in the female and male corpora:

**Table 8.** *Normalized frequencies of self-mention (fr/1000)*

<b>Pronouns/Possessive adjectives</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>I</b>	1.70	0.97	2.67
<b>My</b>	0.29	0.18	0.47
<b>Me</b>	0.04	0.01	0.05
<b>We</b>	0.02	0.02	0.04
<b>Myself</b>	0.02	0	0.02
<b>Our</b>	0.01	0.01	0.02
<b>Mine</b>	0	0.01	0.01

<b>TOTAL:</b>	<b>2.07</b>	<b>1.20</b>	<b>3.27</b>
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The examples of self-mention cases are presented below:

- (41) *If I say my neighbour has serious gambling debts, and I do not believe this to be the case, I have still lied even if it turns out that he does.* (F\_09)
- (42) *Although I loathe this President, my anger is not directed primarily toward him and the crowd, whom he seduces and manipulates.* (M\_24)
- (43) *Finally, we want to facilitate marginal whites in an identity-formation process that allows them to recognize their connection to minority identity and minority community.* (F\_01)
- (44) *<...> then complete the task of bailing out the basement after we knew exactly what we had to deal with.* (M\_32)

Examples (41) and (42) show the cases when the female and male authors identify themselves through the pronoun *I* and the possessive adjective *my*. In example (41), the author gives us a hypothetical situation of how he would act in a particular scenario. Example (42) presents the male author's idea towards the subject of his perspective to the President. In both sentences, the authors express their thoughts from their perspectives.

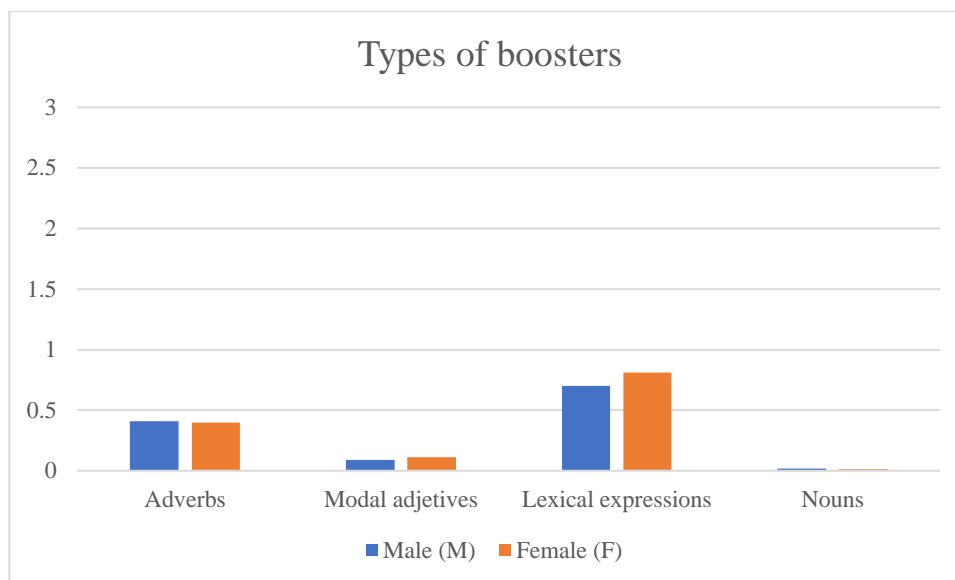
As previously established in the literature review section, the pronoun *we* typically functions as a reader pronoun marker in the engagement section. However, there are cases when this pronoun is indicated as a part of a stance category. The pronoun *we* belongs to the reader pronoun category when it is inclusive. This means that the authors speak about themselves and include the audience. When a pronoun *we* is assigned to the self-mention category, it is exclusive. This is when the authors speak only about themselves and their colleagues, the people who have a detailed understanding and knowledge of the subject they are presenting. In examples (43) and (44), it is evident that both authors do not speak about their and their readers' intentions. The phrases such as *we want to facilitate*, and *we had to deal with* clearly show that the reader does not relate to the outgoing situation. This case is further explored in the "reader pronouns" section below.

#### 4.2.3 Boosters

Certainty in legal discourse is one of the vital argumentation tools for lawyers. Hyland (2005:179) describes boosters as markers that help writers to express confidence when they are



presenting a statement or their own opinion. This marker is the third most frequent stance marker among male and female authors. There are four categories of boosters: adverbs, modal adjectives, lexical expressions, and nouns. The figure below shows the results of each category separately:



**Figure 5.** *Categories of boosters (fr/1000)*

Figure 5 shows that male and female authors tend to use lexical expressions (M 0.7 and F 0.81 fr/1000) and adverbs (M 0.41 and F 0.40 fr/1000) while boosting. Lexical expressions mainly appear not as single words, but phrases and express a high range of certainty or even declares that given information is a fact. Lexical expressions are the most used category of boosters. The table below shows all lexical expressions used in male and female corpora (see Table 9).

**Table 9.** *Normalized frequencies of lexical expressions as boosters (fr/1000)*

Lexical expressions	Male	Female	Total
<b>Indeed</b>	0.37	0.60	0.97
<b>Of course</b>	0.17	0.13	0.30
<b>In fact</b>	0.12	0.08	0.20
<b>No doubt</b>	0	0.01	0.01
<b>TOTAL:</b>	<b>0.66</b>	<b>0.81</b>	<b>1.47</b>

The examples of lexical expressions as boosters are presented below:

- (45) *Indeed, because Driver makes such an excellent case for viewing the Court and public schools in tandem, one can more easily intuit the way in which the interplay of these two institutions affects other citizenship values.* (F\_13)
- (46) *Indeed, the Fed was deliberately designed to be one of the least politically accountable agencies, because that was the entire conceit behind its creation <...>.* (M\_22)
- (47) *Of course, courts decide all kinds of difficult matters, so this is not to say such resolution is impossible, or to assert any definite conclusion about it.* (F\_06)
- (48) *Of course, the elements of the unwritten Constitution are written down in various places, but not, at least not explicitly, in the famous document.* (M\_26)

In examples (45) and (46), male and female writers use a booster *indeed*. Both these cases are similar because booster carries the same meaning. In case (45), the author expresses her consideration of the Court and public schools collectively. The sentence further develops the relationship between these institutions and how they affect citizenship values. *Indeed* in this case emphasizes the statement. Example (46) presents a booster *indeed* used by a male writer. Booster in this sentence is used to highlight the truth and accuracy of the statement about the Fed, which is deliberately designed to be one of the least politically responsible agencies. In both cases, the booster is a tool to emphasize the fact or the truth, and the authors express their ideas in a specific manner.

Examples (47) and (48) present statements with a booster *of course*. In the female example, a booster functions as reassurance to the statement. This booster also gives the idea that courts decide all kinds of complex matters and that this fact is widely understood. The sentence written by a male author (48) also includes a booster. The author is sure about the fact that he is presenting. He states that the elements of the unwritten Constitution are written in various places. He declares his confident knowledge of this topic.

The second category regarding frequency is adverbs. Adverbs as hedges help writers to soften and weaken their argument, however, adverbs as boosters do the opposite. Boosters help to strengthen and express the author's confidence regarding his presented information or idea. The table below shows all adverbs as boosters that are found in the corpora:

**Table 10.** *Normalized frequencies of adverbs as boosters (fr/1000)*

<b>Adverbs</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Actually</b>	0.15	0.09	0.24

<b>Certainly</b>	0.10	0.11	0.21
<b>Surely</b>	0.07	0.04	0.10
<b>Clearly</b>	0.03	0.06	0.09
<b>Really</b>	0.03	0.01	0.04
<b>Never</b>	0.01	0.02	0.03
<b>Truly</b>	0.01	0.01	0.02
<b>Undoubtedly</b>	0.01	0	0.01
<b>Definitely</b>	0.01	0	0.01
<b>Undeniably</b>	0.01	0	0.01
<b>Always</b>	0	0.01	0.01
<b>Obviously</b>	0	0.01	0.01
<b>TOTAL:</b>	<b>0.41</b>	<b>0.35</b>	<b>0.76</b>

The sentences with the examples of adverbs are presented below:

- (49) *It is **certainly** the case that many world religions have sacred sites, often located outside of the United States <...>. (F\_08)*
- (50) *The authors are **certainly** right in the basic insight: partisanship is rampant and entrenched; <...>. (M\_36)*
- (51) *<...> so the breadth of the influence over laws being interpreted during a certain period of time is **actually** much less sweeping than his analysis suggests. (F\_07)*
- (52) *If that were true, the Constitution would be formally written, but **actually** wholly unwritten. (M\_26)*

In examples (49) and (50), a booster certainly is used by females and males in different contexts. In (49), the author presents us with the highest level of certainty that her stated information is absolutely accurate. She is sure that many world religions have sacred sites. A booster certainly shows confidence in her statement. In example (50), the writer also expresses his confidence that the authors he described are indeed correct in the fundamental insights. Both these examples approve the confidence and truthfulness of the presented facts by male and female authors.

Examples (51) and (52) present another booster *actually*. For instance (51), a booster *actually* creates a meaning that something is accurate or needs to be highlighted as a correction. This booster also modifies a quantifier *much*, and this duet creates a more substantial and more certain weight on the argument. In example (52), the author starts the example with a conditional phrase that presents the hypothetical situation. However, at the end of the sentence, the author presents the indisputable fact that the Constitution is wholly unwritten.

The third most used booster category is modal adjectives. These adjectives, as other categories of boosters, are used to express certainly and obviousness. The table below presents all cases of modal adjectives in male and female corpora:

**Table 11.** *Normalized frequencies of modal adjectives as boosters (fr/1000)*

<b>Modal adjectives</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Sure</b>	0.06	0.05	0.11
<b>Clear</b>	0.03	0.06	0.09
<b>Obvious</b>	0.01	0	0.01
<b>TOTAL:</b>	<b>0.1</b>	<b>0,11</b>	<b>0.21</b>

The examples of modal adjectives as boosters are presented below:

(53) *However, it is **clear** that at present antidiscrimination law and scholarship do not address this form of discrimination.* (F\_01)

(54) *This becomes especially **clear** in Chapter Seven <...>.* (M\_29)

In both these examples (53) and (54), the authors use a modal adjective *clear* as a booster. This booster, in both cases, expresses a high level of confidence and certainty. The modal adjective *clear* helps to establish the statement's accuracy and clarity. The author of (53) emphasizes that, at present antidiscrimination law and scholarship do not address this form of discrimination. The author of (54) modifies the modal adjective *clear* by adding an adverb *especially*, and in this way, the author creates an even higher level of certainty. His statement becomes a fact.

The least frequent category of boosters is nouns. This category includes only one word. The examples of the nouns as boosters are presented below:

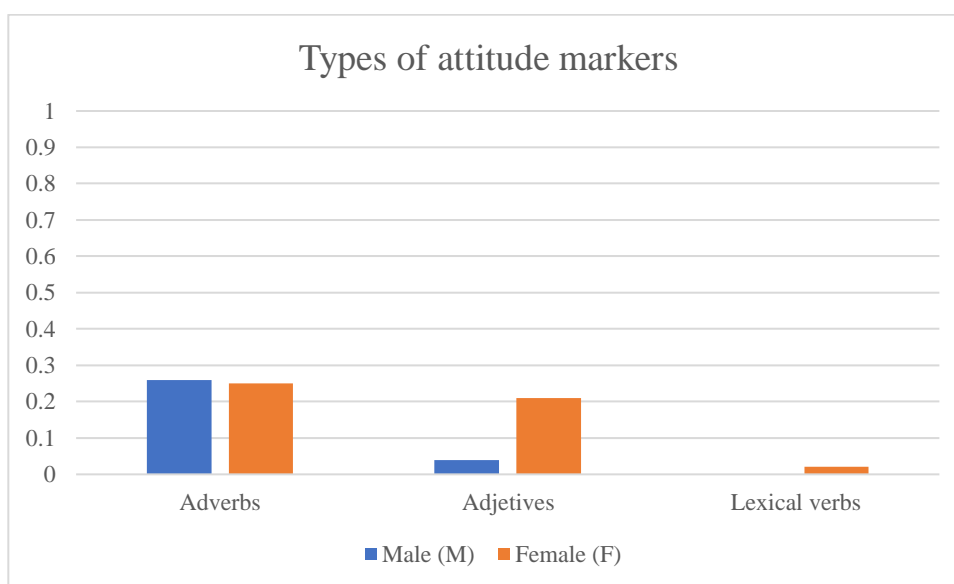
(55) *It is, of course, **true** that in the processes of formalization, systematization, and professionalization that marked the modernization of the criminal process, there were losses as well as gains.* (F\_16)

(56) *It is **true** that these children stand to lose even more than their parents, but the bet that immiseration will spur effective political action has never been a sound one.* (M\_27)

Both authors present their statements as facts. The booster *true* indicates that writers are very much certain of the ideas they are expressing. Moreover, in the example (55) the author uses another booster *of course*. This booster makes the statement even stronger and more confident.

#### 4.2.4 Attitude markers

Attitude markers is the least frequent marker of the stance part. However, it still has significant importance in how the authors present their arguments and thoughts. Attitude markers appear as words that help the authors to emphasize and add weight to their claims. This stance marker appears as adverbs, adjectives, and lexical verbs. The figure below shows the frequency of each attitude marker's category:



**Figure 6.** *Categories of attitude markers (fr/1000)*

The most frequent category of attitude markers is adverbs. This category was similarly used by both female and male (F 0.25 and M 0.25 fr/1000). The table below shows all the cases of attitude markers as adverbs in the corpora:

**Table 12.** *Normalized frequencies of adverbs as attitude markers (fr/1000)*

Adverbs	Male	Female	Total
Importantly	0.05	0.11	0.16

<b>Surprisingly</b>	0.06	0.04	0.10
<b>Unfortunately</b>	0.04	0.01	0.05
<b>Essentially</b>	0.02	0.02	0.04
<b>Significantly</b>	0.03	0.01	0.04
<b>Unsurprisingly</b>	0.02	0.01	0.03
<b>Dramatically</b>	0	0.02	0.02
<b>Remarkably</b>	0.01	0.01	0.02
<b>Curiously</b>	0.01	0.01	0.02
<b>Interestingly</b>	0	0.01	0.01
<b>Fortunately</b>	0.01	0	0.01
<b>Correctly</b>	0.01	0	0.01
<b>Critically</b>	0.01	0	0.01
<b>Cluesly</b>	0.01	0	0.01
<b>Understandably</b>	0.01	0	0.01
<b>TOTAL:</b>	<b>0.30</b>	<b>0.48</b>	<b>0.78</b>

These are the following examples of attitude markers as adverbs:

- (57) *But **importantly**, as the foregoing analysis reveals, even when only middle-class litigants' benefit, judicial involvement can still bring equality gains.* (F\_14)
- (58) *These twin lessons about the brain are necessary to our elementary understanding of the science of cognition, but, more **importantly** for purposes of this Review, they inform our understanding of how Eber- Hardt approaches her justice project.* (M\_24)
- (59) ***Unsurprisingly**, the Depression proved something of a setback.* (F\_17)
- (60) ***Unsurprisingly**, whether coercion is important depends on what one is trying to explain.* (M\_35)

The first two examples present the attitude marker *importantly*. This adverb has the same meaning in both female and male cases – it emphasizes the importance of the expressed thought. The example (57) shows how the adverb *importantly* emphasizes the idea that judicial

involvement can still bring equality gains. In example (58), the author wants to attract the reader's attention to the purpose, which is vital in his review.

In examples (59) and (60), the authors express their view that the arguments do not surprise them. The adverb *unsurprisingly* conveys that the argument the author presents is known before and is predictable. By comparing these two adverbs, the adverb *importantly* stresses the subject's essence while *unsurprisingly* being used to express that something is expected and known.

The adjectives category is the second from the end regarding the frequency of attitude markers. All the adjectives found in the corpora are presented below:

**Table 13.** *Normalized frequencies of adjectives as attitude markers (fr/1000)*

<b>Adjectives</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>Important</b>	0	0.08	0.08
<b>Surprising</b>	0.02	0.06	0.08
<b>Remarkable</b>	0.01	0.01	0.02
<b>Difficult</b>	0	0.02	0.02
<b>Unfortunate</b>	0.01	0.01	0.02
<b>Essential</b>	0	0.01	0.01
<b>Unsurprising</b>	0	0.01	0.01
<b>Interesting</b>	0	0.01	0.01
<b>Dramatic</b>	0	0.01	0.01
<b>Appropriate</b>	0.01	0	0.01
<b>Impossible</b>	0.01	0	0.01
<b>TOTAL:</b>	<b>0.04</b>	<b>0.21</b>	<b>0.25</b>

These are the examples of attitude markers as adjectives:

- (61) *Particularly **remarkable** is the high percentage of American couples working very long hours. (F\_12)*
- (62) *The reasoning is nonetheless **remarkable**. (M\_23)*

In examples (61) and (62), the attitude marker is expressed by the word *remarkable*. This adjective gives the idea that both authors want to emphasize their statements. In (61), the author uses an adverb particularly to highlight the importance of American couples working long hours even more. In example (62), the author concludes that some sort of reasoning is magnificent.

The least frequent category of attitude markers is lexical verbs. This category is expressed by only one verb *agree*. Only female writers used this verb four times per corpora. This is an example of such a verb:

(63) *I wholeheartedly **agree** with Anderson that the problem of employer domination is serious, not only for workers but for the whole society; <...>. (F\_03)*

This example conveys the idea that the author relates to the opinion of the other writer named Anderson. She expresses her great approval of the other author's opinion that the problem of employer domination is serious.

### 4.3 The engagement markers

This section presents and juxtaposes the normalized frequencies of engagement markers in female and male corpora.

#### 4.3.1 Reader pronouns

This marker boasts the highest frequency marker of the engagement part and ranks as the second most used marker of both stance and engagement markers collectively. As Hyland (2005: 182) states, the most overt approach to include readers in a discourse is using reader pronouns. He also asserts that both the writer and the reader become participants in the text, and in this way, the dialogue between these two sides is created. Results have shown a significant difference between female and male usage of reader pronouns (see Table 14).

**Table 14.** *Normalized frequencies of reader pronouns (fr/1000)*

<b>Pronouns</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>We</b>	1.52	0.80	2.32
<b>Us</b>	0.45	0.22	0.67
<b>Our</b>	0.43	0.14	0.57



<b>You</b>	0.48	0.03	0.51
<b>Your</b>	0.06	0.01	0.07
<b>Ourselves</b>	0.02	0	0.02
<b>Ours</b>	0.01	0.01	0.02
<b>Yourself</b>	0.01	0	0.01
<b>TOTAL:</b>	2.98	1.20	4.18

According to the data of the Table 15, male writers used three times more reader pronouns comparing it with female writers. These are the following examples of reader pronouns from the female and male corpora:

- (64) *Despite **our** insistence on **our** right to speak **our** minds, **we** are also a society of liars.* (F\_09)
- (65) *To realize that **we** can still detect the older usages in action — not that **we** use the words, but that **we** still do in fact experience and contrast those emotions, whether **we** shrink from them or embrace them — is to realize that **we** still hang on, however furtively, to inequality.* (M\_28)
- (66) *Trusting **your** intimates, who then later deceive **you**, leads to disappointment in love, and then disappointment again in court.* (F\_06)
- (67) *I'll draw on it later and **you** might as well let **your** thoughts about it start percolating now.* (M\_28)

While taking given examples into consideration, it was noticed that both female and male writers use reader pronouns quite frequently. From a general perspective, such pronouns are repeated approximately every three or four words. The first two examples present the pronouns *we* and *our*. As was mentioned in the self-mention section, the pronoun *we* as a reader pronoun is inclusive. Both female and male authors use such pronouns to attract the reader's attention and involve the audience in the discussion. By using *we* and *our* the authors establish a sense of identification with the audience, thereby make a connection.

Examples (66) and (67) present different pronouns *you* and *your*. The writers use such pronouns to point directly to the reader, to encourage the audience to follow a discussion, and get involved in the dialogue. Readers generally exhibit greater engagement when they can identify with the narrator and perceive a sense of shared experiences between them.

### 4.3.2 Questions

This engagement marker exhibits the second most frequent among the set of five markers. Questions usually appear to be hypothetical in the text, and their aim is to spark the interest and curiosity of the reader. However, there will be no cases of questions presented below in this passage, but they are included in the Appendix section (see Appendix 3). Taking the frequency into consideration, males used twice more questions than females (See Table 15).

**Table 15.** *Normalized frequencies of questions (fr/1000)*

<b>Marker</b>	<b>Male</b>	<b>Female</b>
<b>Questions</b>	0.90	0.52

These are the instances of questions from the corpora:

- (68) *So how can Carbone and Cahn claim that the gender ratios in this group are skewed in favor of men? (F\_12)*
- (69) *If the state could use its morals power against liquor and gambling, why could it not enact maximum hour and minimum wage laws? (M\_23)*

In examples (68) and (69), authors of both genders ask their audience questions. The questions above obviously are hypothetical in nature because the writers do not anticipate getting the actual answer. Such language device creates a relationship between the writer and the reader and involves the audience in a dialogue. Moreover, it evokes the readers' critical thinking on a discussed subject. Usually, questions are asked to show the issues or challenges associated with the statement. For example, instance (68) discusses gender ratios and Carbone and Cahn's claims. As it seems the author of this question raises a problem of gender distribution and that it is not balanced well. Such a question aims to raise critical thinking on gender ratios and let the readers acknowledge the problem by themselves. Example (69) raises a question of the possibility of enacting maximum hour and minimum wage laws. The author starts his argument with a conditional sentence and creates a hypothetical scenario. The writer allows the audience to imagine such a scenario and think about the possibility because there was a similar case with the state's power against liquor and gambling. In other words, if the state has used its power in one area, it is also possible to use it in another.

### 4.3.3 Personal asides

One of the essential indicators employed by the authors to express their opinion is the inclusion of personal asides. This marker is evident in the text as the author's additional comments and observations on a discussed argument. Moreover, such language device also serves the relation between the writer and the reader. Personal asides accentuate that the author and the audience have a shared perspective and mutual understanding on a similar level (Hyland 2005: 184). This marker is the third one regarding the frequency between female and male writers. Female writers used marginally higher frequency of personal asides in comparison with males (See Table 16).

**Table 16.** *Normalized frequencies of personal asides (fr/1000)*

Marker	Male	Female
Personal asides	0.14	0.24

Since personal asides occupy a tremendous amount of space, all the cases are presented in the Appendix (see Appendix 4). Several examples of personal asides are presented below:

- (70) *Although the doctrine of narrowing attempts to rationalize capital sentencing, some of its aggravating factors are so vague and overbroad (for example, a defendant committing a murder in an “especially heinous, cruel, or depraved” way) that they can actually expand the pool of those death eligible. (F\_04)*
- (71) *(And, to repeat, I do not believe the Chief Justice would approach his job in this manner.) (F\_20)*
- (72) *The unsuccessful defenders of the constitutionality of these public-school funding systems (full disclosure, I was one of them) might argue that it was judicial innovation, not constitutional innovation, that took this last step. (M\_32)*
- (73) *(I will come back to this problem of self-reference later: in what sense is Kennedy’s own approach not an analysis of a system and its logic?) (M\_40)*

These examples are similar in how they are presented (each personal aside is enclosed in brackets). However, the difference appears in the meaning of each case. In sentence (70), the writer gives an example of the aggravating circumstances of a murder. She expands the knowledge area to facilitate a more comprehensive understanding of the doctrine of narrowing attempts.

In example (71), the author expresses her position repeatedly to reinforce the reader's recollection of the statement and encourage reader to evaluate arguments from this perspective. The example (72) is a writer's additional comment for the record that he was one of the defenders mentioned in the argument. It may look like a confession and could be an excellent strategy to evoke a relationship with a reader.

In example (73), the author reminds himself and the reader that he will have something to discuss later in the passages below. This comment would probably catch the readers' eye and rises their curiosity and interest of the text.

In general, the use of personal asides establishes a more profound connection with the audience. As the writer directly addresses the audience through the inclusion of such comments.

#### 4.3.4 Directives

Directives represent the fourth marker concerning the frequency of occurrences in the engagement part. Directives usually work as a tool to instruct the reader. Moreover, this marker is used to request, make recommendations, and command the reader to act. As with other engagement markers, directives also provide the ability to evoke a mutual connection between the writer and the audience. Hyland (2005: 184) assumes that this marker could persuade the audience to do or think something specific. Directives typically manifest as words note, should, consider, imagine, etc. Nevertheless, nearly all cases written in the imperative form could be assigned as falling within the category of directives. Table 17 displays the female and male frequency of using this marker. There is no significant disparity in the density of using this marker.

**Table 17.** *Normalized frequencies of directives (fr/1000)*

<b>Marker</b>	<b>Male</b>	<b>Female</b>
<b>Directives</b>	0.19	0.15

As directives consume a substantial portion of space therefore all cases are presented in the Appendix (see Appendix 1). Several examples of directives are outlined for the reference and analysis above:

- (74) *And in evaluating his proposals, **we should bear in mind** not only that it is easier to diagnose a system's ills than to come up with adequate prescriptions for its cure <...>. (F\_16)*
- (75) ***Now consider** Scanlon's position on what he calls substantive equality of opportunity. (M\_28)*
- (76) ***Note that**, in contrast, there are better reasons to believe that the segmentation among marriage markets is more complete in the lower-income stratum <...>. (F\_12)*
- (77) ***We need to articulate** how the distinctive features of global legal processes <...> structure and constrain a global politics. (M\_39)*

The first example (74) is articulated using the directive word *should*. It serves as a recommendation to consider the specific statement within the text carefully. The writer further employs the inclusive pronoun *we* to engage the reader in the discussion even more. The second example (75) and the third (76) have similarities in their approach. Both cases are expressed in the imperative form. The authors explicitly instruct the reader to take action to consider and note specific information. The last example (77) shares similarities with the example (74). The writer also uses the inclusive pronoun *we* to establish a connection with the audience.

#### 4.3.5 Shared knowledge

Shared knowledge is a relatively uncommon category among stance and engagement markers. Nevertheless, this marker carries tremendous importance as other previously mentioned engagement categories. Shared knowledge refers to information widely accepted within a specific community or society. Additionally, the author may present facts or information generally known to everyone as they are considered common knowledge. Common knowledge appears in various matters and includes topics such as historical events, culture, and societal facts. This information is typically related to general education and is accepted by a vast audience. Table 18 presents the frequency of shared knowledge in employment in the corpora. Male writers used twice as many shared knowledge expressions as their female counterparts.

**Table 18.** *Normalized frequencies of shared knowledge (fr/1000)*

Marker	Male	Female
Shared knowledge	0.14	0.05

Since the data of shared knowledge occupies rather substantial amount of space, all cases have been included in the Appendix (refer to Appendix 2). Few examples of shared knowledge are provided above:

(78) *Part I explores the relationship between rights and material equality by introducing the **well-known** concepts of the Lorenz curve and the Gini coefficient and providing some stylized examples of how rights can improve equality in theory.*  
(F\_14)

(79) *In the **well-known** “Shoot–Don’t Shoot” study, where figures appear on a screen holding a gun or a harmless object and participants are told to shoot if the figure has a gun <...>.* (M\_24)

These two examples (78) and (80) include the exact phrase *well-known*. When presenting a statement, the authors use this phrase to imply familiarity and recognition. The authors assume that the information being referred to is widely accepted and known by their readers. This marker actively engages readers in the discussion and fosters a sense of inclusion in the dialogue between the writer and the reader.

#### **4.4 Comparative analysis of stance and engagement markers**

This section presents the results obtained through a significant difference calculator (<https://sapioresearch.com/significant-difference-calculator/>) to demonstrate the significance of the findings presented earlier. This tool is used to determine whether the difference between male and female usage of stance and engagement markers was statistically significant.

##### 4.4.1 Stance markers

As discussed in the preceding section, hedges are the most prevalent marker of stance. Female and male cases of hedges were examined through significant difference calculator to reveal the significance of the results. The results of the calculator are presented below:

**Difference in percent required at a 95% confidence level is 2.81%**

The results demonstrate that there is a significant difference of hedges between female and male writers in terms of their frequency.

The second most prevalent category of stance is self-mention. Female and male cases were calculated to reveal whether the results are significant. The results of the significant difference calculator are the following:

**Difference in percent required at a 95% confidence level is 4.74%**

The results demonstrate that there is a significant difference of self-mention cases between female and male authors in terms of frequency.

The third marker in terms of frequency is boosters. Female and male cases were calculated to reveal whether the results are significant. The results of the significant difference calculator are presented below:

**Difference in percent required at a 95% confidence level is 5.73%**

The results show that there is no significant difference of boosters between female and male writers in terms of frequency.

The least common category of stance is attitude markers. Female and male cases were calculated to reveal whether the results are significant. The results of the significant difference calculator test are presented below:

**Difference in percent required at a 95% confidence level is 10.16%**

The results show that there is a significant difference of attitude markers between female and male writers in terms of frequency.

The findings indicate that three out of four markers exhibit a statistically significant difference in the usage of stance markers between females and males. Boosters is the only category that both females and males used almost equally.

#### 4.4.2 Engagement markers

The most prominent engagement marker is reader pronouns. Female and male cases of reader pronouns were examined through significant difference calculator to reveal the significance of the results. The results of the calculator are the following:

**Difference in percent required at a 95% confidence level is 3.89%**

The findings indicate that the frequency of reader pronouns differs significantly between male and female writers.

The second most frequent engagement marker is questions. All cases of questions were examined through significance calculator. The results are presented below.

[Difference in percent required at a 95% confidence level is 0.27%](#)

The findings indicate that the frequency of questions differs significantly between male and female writers.

Regarding frequency, the third category of engagement in regards of frequency is personal asides. All cases of personal asides were examined through significance calculator. The results are presented below.

[Difference in percent required at a 95% confidence level is 0.28%](#)

The findings indicate that the frequency of personal asides differs significantly between male and female writers.

The fourth most frequent engagement marker is directives. All cases of directives were examined through significance calculator. The results are presented below.

[Difference in percent required at a 95% confidence level is 0.28%](#)

The findings indicate that the frequency of directives differs significantly between male and female writers.

The least frequent engagement marker is shared knowledge. All cases of shared knowledge were examined through significance calculator. The results are presented below.

[Difference in percent required at a 95% confidence level is 0.25%](#)

The findings indicate that the frequency of shared knowledge differs significantly between male and female writers.

The findings indicate that all five markers exhibit a statistically significant difference in the usage of engagement markers between females and males.



## 5. Conclusions

The aim of the present research encompasses several objectives and hypotheses. They will be discussed below:

1. One of the primary objectives of this study was to investigate the prevalence of stance and engagement markers in law book reviews authored by both male and female writers. The findings show that stance markers were used at a rate twice that of engagement markers. The hypothesis posited for this objective was that stance markers would be utilized more frequently than engagement markers in law book reviews. The findings of the study have confirmed and substantiated the hypothesis, as mentioned earlier. Therefore, it is plausible to deduce that both male and female writers prioritize self-expression over creating a deeper connection with the reader.
2. The second objective of this study was to ascertain the relative frequency of usage of stance and engagement markers among female and male writers.
  - a) The hypothesis posited that female writers would utilize hedges with more significant frequency while male writers would employ boosters and self-mentions more frequently. This hypothesis drew on previous research discussed in the literature review, as well as on gender stereotypes that portray females as more tentative and males as more self-assured and self-focused. The least frequent marker of stance part would be attitude markers from both female and male corpora. Specifically, it was found out that hedges are the most used marker in the stance part, and both male and female writers use this marker most frequently. It was expected that male authors would use boosters more frequently, however, the hypothesis was partly wrong. The second most prominent marker of stance part was self-mention. As anticipated, male writers used this marker twice as frequently as their female counterparts. This finding suggests that the stereotypical image of males may be shifting, and the characterization of females and males is beginning to converge in contemporary times. Additionally, the study's results confirmed that attitude markers are the least salient stance marker.
  - b) With respect to the engagement part, it was expected that females would use more redeal pronouns, whereas male would use more directives. The least frequent marker of engagement part was expected to be shared knowledge, moreover, it would be the least prominent marker of all. The study has revealed a slightly different distribution of results than expected. Regarding the results, reader pronouns

emerged as the most prevalent marker for both male and female authors. While this finding confirms the hypothesis regarding female writers, it was anticipated that male authors would employ directives more frequently than reader pronouns. The least frequent marker appears as expected. Shared knowledge is the least frequently of the engagement and of all markers joined together.

The research findings suggest that both female and male authors of law book reviews tend to avoid categorical language in favour of employing cautious and qualifying language to present their claims with greater certainty. Additionally, the study reveals that reviewers frequently utilize first-person pronouns to assert their credibility and establish authority. Moreover, it was observed that reviewers actively seek out linguistic devices to establish a connection with their audience. For instance, reader pronouns are employed to directly address the reader directly, thereby integrating them into the ongoing discourse. Questions encourage the reader to engage in a dialogue with the author, while shared knowledge and personal asides create a sense of familiarity between the reader and the text. Directives serve to sustain the reader's attention and provide guidance throughout the reading process.

Despite providing essential and insightful details on the frequency and rhetorical function of stance and engagement markers in law book reviews, this research has its limitations. Namely, the study was restricted to a relatively small dataset. Future studies could undertake a more comprehensive analysis of stance and engagement markers in legal or other discourses to expand the scope of research in this area. One of the suggestions for future analysis would be the research of each section of the book review separately (i.e., introduction, body, conclusion).

## List of abbreviations

M- Male

F – Female

## List of tools

Significant difference calculator (<https://sapioresearch.com/significant-difference-calculator/>)

## Data source

Harvard Law Review (<https://harvardlawreview.org/>)

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## Santrauka

Šiame magistro darbe pristatoma analizė, kaip autoriai išreiškia savo poziciją ir kuria santykį su skaitytoju teisinio diskurso knygų recenzijose. Pagrindinis šios analizės tikslas yra išsiaiškinti autoriaus pozicijos ir santykio su skaitytoju kūrimo frazių naudojimo dažnumą bei retorinę reikšmę teisinių knygų recenzijose, parašytų moteriškos ir vyriškos lyties autorių. Analizei atlikti buvo sudarytas tekstynas iš dvidešimties moterų ir dvidešimties vyrų knygų recenzijų, publikuojamų teisiniame moksliniame žurnale „Harvard Law Review“. Šis žurnalas yra efektyvi tyrimų priemonė praktikuojantiems teisininkams ir teisės studentams, nes suteikia galimybę tobulinti rašymo bei redagavimo įgūdžius. Žurnale savo apžvalgomis gali dalintis studentai, profesoriai, alumnai, teisėjai bei kiti praktikuojantys teisininkai. Tyrimas buvo atliekamas pagal Hyland (2005) autoriaus pozicijos raiškos ir santykio su skaitytoju kūrimo modelį. Hyland (2005) autoriaus pozicijos raiškos modelį skirsto į keturis žymenis, o santykio su skaitytoju kūrimo modelį į penkis žymenis. Autoriaus pozicijos raiškos modelis padeda autoriams išvengti kategoriškumo išsakant savo nuomonę ar teiginius, arba priešingai – padeda juos išsakyti užtikrintai. Santykio su skaitytoju kūrimo žymenys padeda autoriams užmegzti glaudesnę santykį su skaitytoju, prikaustyti jo dėmesį ir įtraukti jį į tekste vykstančią diskusiją.

Tyrimo rezultatai atskleidžia, jog autoriaus pozicijos raiškos frazės yra naudojamos dažniau už santykio su skaitytoju kūrimo frazes. Autoriaus pozicijos ir santykio su skaitytoju frazes dažniau naudoja vyrai lyginant su moterų naudojimo dažnumu. Dažniausios autoriaus pozicijos žymos yra žodžiai, kurie silpnina argumento užtikrintumą, taip pat pirmojo asmens įvardžiai. Dažniausiai naudotos santykio su skaitytoju kūrimo žymos yra antrojo asmens įvardžiai bei klausimai. Reikia paminėti, jog autoriaus pozicijos raiškos žymų korpuse yra dvigubai daugiau nei santykio su skaitytoju kūrimo žymų. Retorinė reikšmė lyginant vyrus ir moteris yra panaši ir neturi pastebimo skirtumo. Recenzijų rašytojai yra linkę naudoti žodžius, kurie susilpnina užtikrintumą, jie vengia užtikrintai dėstyti savo argumentus. Taip pat šie autoriai stengiasi užmegzti kontaktą su skaitytoju ir jį sudominti keldami retorinius klausimus ar naudodami kitus santykio su skaitytoju žymenis, taip įtraukdami skaitytoją į dialogą ir leidžia skaitytojui pasijusti taip, lyg dalyvautų tikroje diskusijoje.

**Raktiniai žodžiai:** autoriaus pozicijos raiška, santykio su skaitytoju kūrimas, lyties aspektas, teisinis diskursas, knygų apžvalgos

## Appendices

### Appendix 1. Cases of directives found in female and male corpus

MALE		FEMALE	
keep in mind	1	we should view	1
you need not agree	1	we must be clear	1
we need to understand	1	we should press	1
we must recognize	1	we need to consider	1
we should not focus	1	we should not be overly quick	1
we need to articulate	1	we will still need to consider	1
we should strive	1	we must determine	1
think of	2	we must address	1
we need to consider	1	we must avoid	1
we must know and confront	1	requires us to consider	1
we should not be surprised	1	we must bear in mind	1
we must focus	1	see also p. 65	1
we must think	2	we should not imagine	1
we should not be surprised	1	trust me	1
we should seek	1	we should trust	1
we must set	1	we should try	1
we should perhaps draw	1	note that	1
we must also consider	1	we need not only to provide	1
we must now globalize	1	let us consider	1
we can — or should — rely upon	1	we should not be naive	1
we should worry	1	we should be	1
we should see	3	we should recognize	1
let's make a list	1	we should bear in	1
we should be very wary	1	we must either defend	1
we should acknowledge	1	we should not endorse	1
we should not set aside	1	we should keep in mind	1
we must ask	3	we must ask	1
consider	7	consider	7

we should celebrate	1		
we need to set	1		
we must not neglect	1		
we must, however, distinguish	1		
we should not hold	1		
we should not accommodate	1		
we have to consider	1		

**Appendix 2.** *Cases of shared knowledge found in female and male corpus*

<b>MALE</b>		<b>FEMALE</b>	
obviously	7	obviously	2
obvious	8	us understand	1
we know	4	we know	2
well-known	14	well-known	6
you know	1		

**Appendix 3.** *Cases of questions found in female and male corpus*

<b>FEMALE</b>		<b>MALE</b>	
But how is his own theory of the role of expertise in global governance immune from his theory itself?	1	Are there interpretive theories that might accommodate “switches”?	1
If “systematizing” is typically only a move in “struggle” that conceals this fact, then how can he promise to systematize it?	1	How often does the Supreme Court face such a “legitimacy trade- off”?	1
If a map is a product of expertise, how can Kennedy’s provide a vantage point on the territory?	1	Why are commentators so captivated by that question?	1



<...> are world affairs really a game?	1	But is it legally legitimate for a Justice to alter her decisions in order to protect the Court's public reputation?	1
Kennedy's answer is clearly "distribution," but distribution of what?	1	Instead, I offer these examples to tee up a central question of this Review Essay: Is such a "switch" legally legitimate?	1
What would happen, Kennedy asks, if international lawyers who frequently think they are making the world a better place spent more of their time puzzling through why this is?	1	But what happens when the same group turns out to be the "loser" in case after case?	1
But even to the extent struggle is a motivation for their gamesmanship, and not merely the internal feature that rivalry is in all competitive games, what are experts struggling to win?	1	Why does the Supreme Court's external legitimacy even matter?	1
I will come back to this problem of self-reference later: in what sense is Kennedy's own approach not an analysis of a system and its logic?	1	So what to do when the methods conflict?	1
Now on what grounds can Kennedy defend such an account?	1	Does the public view the legal system and its institutions as worthy of respect and obedience?	1
How do the structures and processes of global lawmaking and interpretation function to make this possible?	1	What should we make of the charges of illegitimacy?	1
And what are the sources of legitimacy — procedural and substantive — that allow global	1	And would the suggested court-curbing "solutions" restore, or further undermine, the Court's status?	1

law to function while internalizing the contest over global justice that has replaced the globalization debate?			
Are the TRIPS and Gerber narratives more or less representative of the real world of globalization than are the narratives that show socially benign or beneficial effects?	1	Was it really royalism of which the Framers spoke in 1787?	1
What does it mean to say knowledge is power?	1	Or were they simply reallocating authority in a new political structure?	1
How did this happen?	1	Did the colonists really mean what they were saying when they advocated the revival of a neo-Stuart constitutional monarchy?	1
how do we grasp the full implications of each for our lives today and tomorrow?	1	If the Revolution was fueled by ideological commitments, then what were the ideas that American revolutionaries believed were worth dying for, and why did these ideas become so salient during the eighteenth century?	1
How far back can we trace the genealogy of today's international human rights system?	1	Is he right?	1
And does it matter where we come out on such an arcane academic question?	1	Why not?	1
What then are we to make of these competing, and apparently irreconcilable, claims to have identified not just the chronology	1	Pragmatism plays no role in his analysis of economic rights, so why should it do so in his analysis of personal rights?	1

but also the deeper genealogy of human rights?			
But can its arguments be sustained?	1	If economic rights are, as Epstein contends, equivalent to personal rights (and thus subject to the same judicial scrutiny), why allow pragmatic limits on government power for the latter but not the former?	1
Does it matter whether the origins of the international human rights regime can be traced back over the centuries?	1	So why does he waver on personal rights, refusing to allow regulations that are concededly justified by his own constitutional theory?	1
Why should it matter?	1	What can possibly explain this disparity between his rigid stance toward economic rights — his insistence that classical liberal principles should govern no matter the consequences — and his more pragmatic treatment of personal rights?	1
If it does matter, what period of time and what evidence of influence or continuity should be required?	1	By honest means?	1
Or is it only when seen through the eyes of international lawyers that these elements seem particularly significant?	1	Is he unaware that at least a portion of the seemingly ordinary wealth inequalities in this country were historically, and still are today, achieved by dishonest — or exploitative, manipulative, immoral, or otherwise shady — means?	1

Does the Constitution's meaning as an authoritative written text vary with time and circumstances?	1	Would civil rights lawyers pursue change in the courts or political arenas or administrative agencies?	1
Or does written constitutionalism imply that the meaning of the text is determined by the objective public meaning its words and phrases had at the time and in the context in which they were adopted (and accounting for specialized usages and terms of art)?	1	Would they pursue education first or employment or voting?	1
Where constitutional terms are thought open-ended, indeterminate, or vague, does that imply that they can be treated as malleable, subject to whatever reading one thinks best today?	1	Would they use the Fourteenth Amendment's Equal Protection Clause or its Due Process Clause or the Thirteenth Amendment?	1
Or does it mean that the Constitution leaves policy choices admitted by the breadth or indeterminacy of its language to the decisions of the people made through representative institutions?	1	Would different racial groups pursue different goals through different legal and political strategies?	1
Who is to believe them when a real Republican wolf comes along?	1	Would simultaneous efforts seeking other kinds of equality — like the push for sex equality — affect race-based civil rights, or vice versa?	1
What about the realpolitik argument that impeachment should not be pursued where it is unlikely to succeed, because of	1	Would clients and lawyers seek desegregation or equal schools?	1

probable (unprincipled) partisanship on the other side?			
But is it really plausible that all Republican senators were unprincipled partisans and all Democrats impartial paragons?	1	And which would benefit whom more?	1
Given that breadth, the range of choice it affords, and the institutions making the choices, how does one avoid the problem Hamilton anticipated — and which this book displays, even as it laments — of impeachment descending into bare partisanship?	1	But is it really plausible that all Republican senators were unprincipled partisans and all Democrats impartial paragons?	1
What factors properly inform the constitutional judgment necessarily involved in the exercise of the impeachment power?	1	Is his diagnosis of the patient as suffering from the disorder of “bipolarity,” indeed of a virtually psychopathic unfeelingness toward its main human players, accurate?	1
<...> why should the allegedly partisan motives of those bringing the impeachment proceeding — the believed unworthy motivations of one’s political opponents — be a sufficient basis for voting for the President’s undeserved acquittal?	1	Equally importantly, to the extent that the diagnoses of bipolarity and psychopathy are indeed accurate, are these the patient’s most significant pathologies?	1
Well, which is it?	1	And finally, is the cure that Bibas prescribes a promising treatment for the system’s ills, or rather a recipe for further and perhaps worse diseases?	1

Once one is finished wading through the hyperbole, the clichés, the furious but seemingly empty-of-resolve rhetoric, the handwringing, and the despair, one is left with . . . what, exactly?	1	In what sense does Bibas’s account caricature the American criminal justice system?	1
If Trump deserves impeachment, why not call for it explicitly?	1	<...> can the ideals of the criminal process as a practice of confrontation and communication between citizens, or as a morality play, be adequately institutionalized?	1
If the danger of not impeaching is really nuclear Armageddon or the demise of the American constitutional order, is it really right to just wait and see?	1	If Bibas could convince us that the adverse consequences of a return to the “village ideal” in criminal justice could be avoided, could he also convince us that such a return is feasible in early-twenty-first-century America?	1
What was the point, exactly, of writing this book?	1	Why should the United States occupy this unenviably exceptional position?	1
And so the question becomes: Why tack them on?	1	how did the system come to display the features that are the object of that critique?	1
And that, after all, is the point, isn’t it?	1	How, in Bibas’s view, did the criminal justice system — that ultimate expression of the state’s power in relation to its own population — become an impersonal machine that serves the interests of “in- siders” while alienating and ignoring “outsiders”?	1
Is it not even possible that partisan motivations might have been present on both sides?	1	Likewise, what happens to equality if the middle classes are made better off, while everyone else stays the same?	1

First, what is the proper scope of the constitutional power of impeachment?	1	For example, does equality increase if social rights advocacy efforts successfully lift up the poor?	1
What is the full range of meaning, the sweep, of the term “high Crimes and Misdemeanors”?	1	Even if it cannot foster such radical change, to what extent can human rights law, especially as contained in national constitutions, improve material equality?	1
To what types of misconduct by executive (and judicial) officers does it properly extend?	1	Can human rights law, including litigation and other forms of legal mobilization, be used to promote material equality?	1
Given the breadth of the constitutional power of impeachment, what factors properly inform the constitutional judgment on the part of the House and Senate as to its proper exercise?	1	<...> why indict the movement for not addressing it adequately?	1
How does one avoid the problem Hamilton anticipated — that of the political process of impeachment deteriorating into bare partisanship?	1	What, then, is Moyn’s solution?	1
How does one reconcile impeachment, as a political process of imposing political punishment for political offenses, with the desire to avoid low partisanship in carrying out that remedy?	1	By the same token, if schools are inattentive to the question of sexual rights, whether those of teachers or of students, how can we expect those students to develop an appreciation for these rights as adults?	1
To what extent, and in what sense, is impeachment properly and unavoidably “POLITICAL”?	1	By the same token, if schools are inattentive to the question of sexual rights, whether those of teachers or of	1

		students, how can we expect those students to develop an appreciation for these rights as adults?	
How can impeachment function as a designedly political check on serious executive (or judicial) misconduct without becoming merely a matter of low-political animosities, partialities, and interests?	1	On this account, if students could not expect to receive the Constitution's protections against the excesses of the state in school, how could they expect to appreciate its protections and the value of limited state power as adults?	1
What role can the use of coercion play in an account of law's nature if law's use of coercion, though ubiquitous in practice, is not necessary in principle?	1	<...> what has prompted more flashpoints in American society over the last century than questions of sex and sexuality?	1
What projects other than investigating the essential properties of law might philosophers fruitfully undertake?	1	Should sex education be compulsory?	1
In what ways can merely typical properties figure in illuminating philosophical projects?		If it is compulsory, what should be the nature and scope of its content? Are parents permitted to opt out on a student's behalf?	1
How can law influence behavior — and, especially, what tools does law have for doing so other than the use of coercion?	1	Should schools distribute condoms or information regarding contraception to students?	1
Which promises are not binding?	1	Can pregnant students — and teachers — remain in public schools?	1
When is the obligation to keep a promise outweighed?	1	Do teachers' private lives impact their work in the classroom?	1
What remedy must be provided when a promise or agreement is	1	If, as Guttentag and Secord posit, in conditions of gender inequality in	1



broken, either justifiably or unjustifiably?		society, pro-marriage norms develop only when women are scarce, and then only in order to ensure that men have continued sexual access to women, why wouldn't men at the top of the income chain, prior to the emergence of these norms, simply have selected from the abundant numbers of women below them in terms of income?	
When one person's activity causes harm to another?	1	Genetic material from an individual facing a Parkinson's diagnosis?	1
Why would angels obey an arbitrary system of requirements simply because it exists?	1	So how can Carbone and Cahn claim that the gender ratios in this group are skewed in favor of men?	1
Why would they obey even when doing so goes against their on-balance judgment of the right thing to do?	1	And indeed, why would it?	1
An angel would act consistently with the law when the law happens to promote the good, but why would angels obey the law qua law given Schauer's picture of law?	1	Why can we not expect Facebook to take it upon itself to find an effective, direct way to handle the problem it helps create?	1
If the law's content can be morally arbitrary, then why internalize the law, when you could instead merely conform to the law when it happens to be good?	1	Who reaps its benefits? What values are embedded in its design?	1
Now, why would the law need people to comply, to the extent of	1	Whose labor does it exploit?	1

using force to ensure that they do?			
And why is it permissible, and even right, for law to use force to this end (if it is)?	1	Should it exist at all?	1
<...> if there were no law and they were merely consulting their prelegal moral intuitions?	1	Would appointing more enforcers and federal judges who are receptive to Post-Chicago arguments be sufficient to rehabilitate antitrust in the ways that Wu urges?	1
Why does law try to make us do things that go against our best judgment?	1	In the case of the murderer at the door, in what sense does the speaker not intend her false claim about the victim's location to be taken as her belief?	1
Why does law resort to force when other normative domains such as fashion, chess, and etiquette, whose reason-giving force Schauer places on a par with law, do not (pp. 34–35)?	1	If free and authentic communication is necessary for moral development, but free and authentic communication either disrespects the moral status of others or outright interferes with their lives and well-being, what stance toward speech should society take?	1
Assuming that there was and remains a consensus on the rule of lawyers, what differentiates that consensus from the critiques of administrative legitimacy that Ernst seeks to counter?	1	How robust must speech protection be?	1
Ernst's own language here is ambiguous: did the 1938 elections reveal a consensus on the legitimacy of the administrative state or a	1	But if the wrong of lying may be traded off against these other risks to communicative interests, why not against risks to conflicting moral interests?	1

consensus on how best to delegitimize it going forward?			
But what happened to Frankfurter, the young radical who vanquished the Rechtsstaat and proposed a politically grounded account of administrative legitimacy in its place?	1	Is communication so important that it is permissible to prioritize various communicative interests, but not to subject them to other moral claims?	1
<...> how did lawyers win the struggle to equate administrative legitimacy with their control of the administrative state, and what exactly did they win by defining administrative legitimacy in this way?	1	May a doctor never lie to a woman in labor if she has stated that she wishes to be assisted in avoiding pain medication by any means necessary?	1
As between the state and federal courts, how can we trust the state courts to make good on these commitments when they are largely filled with elected judges?	1	May politicians never lie to protect citizens from national security risks?	1
Should rights advocates invariably prefer constitutional protections to statutory ones?	1	In what way does she not objectively intend to be taken as sincere?	1
Would not most people prefer to live in a country in which a majority of citizens look after and respect the rights of minority groups through majoritarian legislation rather than through a majority of nine Justices?	1	But taking Shiffrin as correct that the murderer does have a claim to a sincere answer, could not this claim be defeated by those of others, particularly the claim of the victim not to be murdered?	1
<...> is the current system the one we want?	1	Why was Brown & Williamson not a candidate for preference- eliciting interpretation, perhaps through the	1

		use of plain meaning rules like those the Court deployed in <i>TVA v. Hill</i> , that would have forced the powerful tobacco lobby to go to Congress to overturn the agency's interpretation?	
Should not the key change agents in American society be those for which change is easiest, least consequential, and most easily corrected?	1	But is this correct?	1
Who should arbitrate these disputes?	1	Even if everyone adopted the liar's maxim, would communication as a whole be corrupted by distrust?	1
Who should decide who gets more, who less?	1	<...> even if we accept Shiffrin's claims about the singular role of communication, must we accept her claims about the impermissibility of lying and the privileged position of free speech?	1
Who should be the leading change agents in America?	1	To put it another way, if we accept her account of how speech matters, is there not still a question of how much?	1
How does even the most motivated court enforce a "right to a healthful environment"?	1	But could this interpretation actually have been enacted?	1
How does rural State A use its state law to reduce air pollution within its borders caused by industries in State B?	1	The Reagan administration would have supported codifying its bubble concept (encompassing the entire plant), but would the Democratic House of the 98th Congress have agreed to enact the amendment?	1

What of the environmental protection movement in the states?	1	Could the Re- publican leadership, with fifty-four Republicans in the Senate at that time, have overcome a filibuster?	1
How could that be?	1	Or would the past understanding of “stationary source” supported by the Carter Administration have been the more likely candidate to emerge from Congress?	1
And what of Article III?	1	If so, would President Reagan have vetoed it, and could Congress have overridden a veto?	1
Does it not compel the federal government to create “one supreme Court” (and perhaps even lower federal courts if Justice Story is to be believed)?	1	Or, given divided government, was neither interpretation currently enactable in 1984, a reality that the EPA understood when it adopted the bubble concept by regulation?	1
Or Article II?	1	But is Elhauge correct that, even if judges are not consciously applying his framework and we cannot identify any mechanism that would lead to judicial results consistent with his interpretive theory, it nevertheless best describes the jurisprudential landscape of statutory interpretation cases?	1
Or Article IV?	1	<...> namely, just how influential is the Chevron doctrine with respect to judicial outcomes?	1
What part of a constitution under this definition, one might fairly ask, does not create a right?	1	Why is it not equally significant for Elhauge’s descriptive project that no legislative body has directed courts to adopt rules that maximize current lawmakers’ influence over statutes	1

		being interpreted while they are in office?	
How first of all to define “rights”?	1	One difficult question is whether it’s possible to hold these two positions — affective trust and cognitive distrust — at the same time. Keats tells us that “Negative Capability” — which has often been interpreted to mean the ability to hold two conflicting ideas in productive tension <sup>176</sup> — is characteristic of the “Man of Achievement,” <sup>177</sup> but what about the rest of us?	1
If President Jefferson thought constitutional conventions should be held every twenty years to avoid dead-hand control, does that not suggest that states may and should make frequent amendments in the process, running the risk of blurring the line between what belongs in a constitution and what belongs in a statute, but all the while ensuring the document’s enduring relevance?	1	Could she have said to McNutt at this point, Yes! I’ll marry you!, while also allowing herself to think, Is it possible you’re proposing to marry me just because you want a kidney from me or my brother?	1
Yet when we consider constitutional law, why are the tables so often turned?	1	How did the plaintiffs in <i>Dahl v. McNutt</i> , <sup>140</sup> Dorothy Zauhar and her brother, end up in this predicament?	1
Why assume that the only way to change norms is to change the meaning of the national Constitution through Supreme Court decisions?	1	How much good — or rather, how much bad — is done by persuading people to trust an authority that does not warrant their trust?	1

Putting Congress to the side for the moment, what does this mean for the U.S. Supreme Court?	1	How does it feel to be the person at the yoga class seeking to debunk the quotation attributions?	1
Who knows?	1	<...> how much should you ask an intimate to substantiate their story, and how much inquiry or research should you conduct to verify or challenge it?	1
Who are the leading change agents in American society?	1	How does digitization work to implement more effectively a carceral approach to governance?	1
Who should be the leading change agents in American society?	1	If nonmonogamy was so common, why would people so roundly oppose open, honest, consensual nonmonogamy — sometimes called “polyamory”?	1
The states or the federal government?	1	Does a Donald Trump presidency, for example, threaten the Steikers’ prediction that the Supreme Court will strike down the death penalty within the next decade or two?	1
The legislatures or the courts?	1	How do these cases further explain why execution methods are not nationally regulated?	1
Is it possible that the judicialization of so many American policies through the U.S. Supreme Court started in part because the state courts and the state legislatures failed to perform their independent roles in respecting and enforcing individual rights?	1	<...> what was the alternative path the Court should have taken and where might we be if the Court had followed it?	1

So which is it?	1	If “private government” of the firm is the most efficient way of producing goods and services, as the economists generally believe, and if society were organized so that workers had a genuine choice whether to submit to one or another of those “private governments,” or even to opt out of employment altogether, as Taylor would prescribe, why would that offend any basic normative principles to which we should be committed?	1
Does state constitutionalism usefully offer a new source for more constitutional rights, including rights that impose affirmative, not just prohibitive, duties on government?	1	Once we take its measure, what would it mean to set our sights on “public government” at work?	1
Or does this cure embrace the disease and spread its symptoms?	1	How is it that a democratic society devoted to individual freedom came to tolerate the private outposts of autocratic rule and unfreedom in which most citizens spend their working lives?	1
<...> who now longs for a sight of the extinct North American ground sloth?	1	And once we recognize the conflict between workplace autocracy and ideals of democratic accountability, what is to be done?	1
The real question is how the relevant human values will be determined and implemented: which decision procedure will guide collective judgments about what sort of world to shape?	1	But how falsifiable is this claim?	1



Without a nature that is independent of human beings, what is it, exactly, that has intrinsic value?	1	Should they necessarily bemoan the current state of affairs?	1
What is the natural order with which humans should seek harmony?	1	But might not modern tort law theory enable judges not only to recognize wrongs, but altogether prevent them?	1
If human action is part of what creates the world, how can the character of the world guide human action?	1	Should Lily still be entitled to the protections of antidiscrimination law and the benefits of racial diversity programs?	1
In what sense are Cannon's ecological and pre-ecological paradigms products of Holocene thought?	1	Should Fulgencio's prior decision to embrace "white privilege" in his workplace affect our view about his right to protections?	1
What determines a court's decisions, if not the text of the statute?	1	What are the long-term consequences of allowing him to invoke discrimination protections in a workplace dispute?	1
<...> what about all the plant and animal species that share a plot of land, and for which that land is a habitat rather than an economic resource?	1	Additionally, how should antidiscrimination law respond if Manny, Gloria's brown-skinned monoracial Colombian son, decides that he is white after being socialized in an assimilating interracial family?	1
What other sources of pollution are involved?	1	What kind of protection is Fulgencio entitled to if he is white skinned, does not speak Spanish, and has self-identified as white for most of his life?180	1
What is the baseline level of contamination?	1	More concretely, what do members of the interracial family do to discharge their tutelary obligations?	1

How far is too far downwind? What level of dilution removes water pollution from the polluter's responsibility?	1	How does the family function as a social institution that creates racial meaning?	1
As foreign affairs federalism becomes increasingly interactive, how much will it resemble cooperative and uncooperative federalism in the domestic context?	1	One wonders, why did the producers' willingness to represent interracial intimacy stop with blacks?	1
Where are we?	1	Should mixed-race persons be required to adopt a stable racial identity?	1
Can California constitutionally regulate carbon emissions, enter into a highly formalized agreement with Quebec and softer agreements with other subnational governments, and send delegations to international negotiating conferences?	1	What discrimination protection should be offered to persons who inconsistently identify by race?	1
First, what can the federal government constitutionally do in relation to foreign affairs where its actions have implications for the states?	1	What do we do in a discrimination case when a subject fails to racially self-identify in a manner that comports with the prevailing cultural interpretation of his phenotype?	1
	1	Has this individual still suffered discrimination when he experiences bias triggered by his racialized physical characteristics?	1
Second, what can the states themselves constitutionally do in relation to foreign affairs?	1	One wonders, why was there such an abrupt change in Alice's trial strategy?	1

But are foreign affairs exclusively a matter for our national government?	1	Would negative stereotyping based on interconnectedness be sufficient to support a claim?	1
And if not, then what can states and local governments do with regard to foreign affairs?	1	For example, would the spouse of a wheelchair-bound person have a claim if people engage in stereotyping about her commitment to work or her capabilities on the assumption that she is or should be primarily engaged in tending to her disabled partner?	1
When is line-drawing improper?	1	Similarly, we must ask, does a person who experiences phenomenological disabled status have a claim if she is more sensitive to demeaning or insulting behavior concerning the disabled in her workplace?	1
If Vijayakumar Thuraissigiam could invoke habeas jurisdiction, would he then prevail in arguing on the merits that the government's rejection of his asylum claim denied him procedural due process as required by the Constitution?	1	Would we permit the wife of a disabled husband to bring gaze-based claims if people routinely fail to honor and acknowledge her connection to her husband?	1
In turn, if the best responses to migration require serious bilateral and regional engagement with other countries, what are the implications for presidential power over immigration?	1	Would we require evidence that this gaze is exercised in a hostile manner or is motivated by discriminatory animus?	1
What is novel in The President and Immigration Law is the question that Cox and Rodríguez answer with familiar material:	1	Even given the economies of scale from pooling labor and capital, why don't individual holders of those assets simply formalize their	1

How did the President come to exercise so much power over immigration?		respective rights, powers, and duties by contract?	
To be concrete, what can immigration law tell us about American public law in general, and what can American public law in general tell us about immigration law?	1	More practically, when a firm needs labor to produce and distribute the goods and services that it brings to market, what determines its choice between “making” those labor inputs internally — that is, by hiring employees — versus “buying” those inputs on the external market by contracting with other firms or individuals?	1
Is it possible that a revival of state constitutionalism, even one with positive rights, would simultaneously return us to something approximating the original design and ease the pressure on the U.S. Supreme Court to be a vanguard rights innovator in modern America?	1		
Will some of that reflection appear in law review pages or university press books?	1		
But what about the risk of a heart attack?	1		
Did I leave out your favorite contender?	1		
So how does Scanlon’s theory work?	1		
What, then, about the worry that on many issues maybe multiple principles can’t be reasonably	1		

rejected, so that different and contradictory principles can each be exhibited as right?			
<...> or that all principles can be reasonably rejected, so that nothing is right?	1		
<...> what, if anything, remains of the individual point of view in proposing principles and considering objections?	1		
Two: what if there are no reasonable objections to competing principles, or reasonable objections to all principles?	1		
Plenty of theorists have asked the question, By virtue of what feature of persons are we equal?	1		
But here the right question is, By virtue of what feature of society are we equal?	1		
Must egalitarians reject Catholicism and embrace Congregationalism?	1		
Must they insist that students decide, or even help decide, on course syllabi and requirements for the major?	1		
How much deference is that fact entitled to?	1		
But standing alone?	1		
So how different is your view from Boswell's?	1		

If you think the scheme is still hopelessly and outrageously unequal, why?	1		
Is it that the rich have “unacceptable forms of power over” the poor?	1		
Or that the scheme undercuts “the fairness of political institutions” (p. 8)?	1		
But how open is it in today’s United States?	1		
Do the “inferiors” have a complaint?	1		
See how much changes?	1		
Why should an institution be free to ignore factors in the admission process that help it pursue its proper goals?	1		
Does the defensibility of this legal regime hang on the claim that it will rid the market of racist preferences, whether those of employers, employees, or consumers?	1		
What, then, is to be done?	1		
Startled by that closing thought?	1		
What divides Scanlon from his imagined interlocutor (let’s call him “Herzog”) here?	1		
If the reason for following the Constitution is not that the document is the People’s authoritative command, then what is the reason?	1		

Would you rather be a “middle class” consumer of 1960, with the reasonable hope of owning your house, or a “middle class” consumer today, living in a rented flat but with a personal computer and Internet access?	1		
What is to be done?	1		
Should the unequal distribution of wealth and income be redressed, and if so, how?	1		
Is capitalism sustainable, and under which political conditions?	1		
Are capitalism and democracy complementary or antagonistic, and under what circumstances?	1		
But what determines the rate of return on a capital asset if it is not simply the value of the additional production it enables?	1		
Is the text more like the Queen, or more like an instruction manual?	1		
The question about foundations is: what is the justification for this approach?	1		
Why is it important, or useful, to connect legal principles to the document in the way Amar does?	1		
Why, then, has $r > g$ held generally?	1		
What are the data?	1		
Is it really plausible to suppose that conscription would still be unconstitutional today if Pres-	1		

ident Johnson had been less hostile, and Republicans in Congress had decided that the Fourteenth Amendment was unnecessary?			
Or if effective civilian governments had been established in the defeated South, making military occupation unnecessary after the War?	1		
If these really are the “actual social practices and norms of ordinary law-abiding Americans” (p. 121), why haven’t the laws been amended to allow them?	1		
How can life-tenured judges — as compared to politicians who actually have to run for office — claim special insight into the practices and norms of ordinary people?	1		
Can a court’s approval or disapproval of a certain kind of law, as a matter of social policy or morality, enter into its assessment of whether the law is outmoded?	1		
Isn’t the entire approach at odds with principles of federalism, because it will tend to suppress local and regional variations?	1		
The question is: what do we learn, or gain, from these creative document entered arguments?	1		



But in what sense, exactly, was this system wrought by them, if they were unaware of what they were doing?	1		
So what justification did the Court have for disagreeing with the ratifiers' judgment that segregation was consistent with equality?	1		
Do Amar's arguments succeed?	1		
And if the Citizenship Clause required racial equality, then why aren't other parts of the Amendment redundant?	1		
Was the success of Bolling attributable to the extraordinary legitimacy of Brown and the fight against Jim Crow?	1		
Was it, more generally, a reflection of the naturalness of treating the federal and state governments alike in this domain?	1		
If so, why did that become so natural?	1		
Does it suggest that American constitutional law, in important respects, is a precedent-based, not a text-based, system?	1		
Does the Fourteenth Amendment's use of the word "equal" mean that courts are free to invalidate any practice that,	1		

in their view, treats people unequally?			
Was Brown easy because racial segregation was particularly morally egregious?	1		
Because racial injustice is so close to the historical core of the Fourteenth Amendment?	1		
Because judicial and nonjudicial precedent had developed in a way that provided a foundation for Brown's conclusion that separate was never equal?	1		
Beyond that, does the Equal Protection Clause forbid sex-segregated schools?	1		
Might racially segregated primary or secondary schools be acceptable today, if supported by the African American community?	1		
Are affirmative action measures a covert form of discrimination against minorities, as some opponents of affirmative action have urged?	1		
How do we explain the path the United States took to the established constitutional principles that protect free expression — both the basic principles that we share with other similar nations, and the	1		

details (relatively speaking) that differ?			
How can we decide which side wins?	1		
So what provision of the Constitution made segregation in the District unconstitutional?	1		
<...> what would be the point of enumerating powers, if more powers could be added by implication?	1		
How would we tell someone else or a court what is right or wrong about what is happening to this child?	1		
What value expressed in the Constitution does this wrong violate?	1		
Where does the injury come from?	1		
Or, what has done the injury, and who should be responsible for making it right, for its remedy?	1		
She forces us to ask ourselves, how did this horror come to pass while we stood witness?	1		
How did we allow a state that takes our name, “the people,” in this prosecution, conviction, and imprisonment, to inflict these horrors?	1		
What stories have we told each other, what stories have we heard,	1		

that allowed us to think this was okay?			
What made us believe, even if just for a moment, that maybe these boys had gang-raped and beaten this young white woman out for exercise in the park?	1		
How did we hear them called “savage” and not know that this name meant and means all of our Black and brown brothers and sisters?	1		
The question is: how important is the text, really, to constitutional law?	1		
Is there something to be learned from asking why those of us whom white supremacy’s narrative deprives of personal authority as full human beings choose to tell stories that, like those from science and the law, have an authority of their own?	1		
Why choose a book about hidden bias when the active threat is self-proclaimed racists marching in the streets?	1		
Once the police power was expanded, why could it not reach monopolistic corporations and inhumane conditions of labor?	1		
If the state could use its morals power against liquor and gambling, why could it not enact	1		

maximum hour and minimum wage laws?			
Once Congress could prohibit interstate traffic in lottery tickets, why could it not deploy its commerce power against other evils, such as child labor?	1		
But is this so?	1		
Is the Secretary of the Treasury in fact any more accountable than the FDIC chair?	1		
In broad strokes, then, what caused the crisis, and how does that reflect on the soundness of our system of independent, technocratic regulation?	1		
This is accountability?	1		
What do federal budget deficits or Greek sovereign debt problems really have to do with the 2008 financial crisis?	1		
<...> how do we ensure a political system that engages in appropriate measures of financial regulation?	1		
Is this in fact true?	1		
Are implicit guarantees and ex post bailouts really less socially efficient than higher ex ante capital requirements?	1		
Is social welfare enhanced by raising banks' funding costs by making the invocation of the	1		

government's implicit guarantee more remote?			
Who knew bank regulation was a contact sport?	1		
The purpose of all this detail?	1		
Bernanke might have learned Friedman and Schwartz's lessons about the 1930s, but were those the right lessons to learn?	1		
Bernanke might have learned Friedman and Schwartz's lessons about the 1930s, but were those the right lessons to learn?	1		
Is it possible that only secular conscience protection will create this anarchy where we know that religious conscience protection has not?	1		
How should a liberal and tolerant society respond to such religious diversity, particularly when this diversity means that society will include some people who are unable to comply with certain laws for religious reasons?	1		
In both religious and secular exemption cases, the question would be the same: is the person asserting a sincere claim of conscience?	1		
What of the burden that the exemption imposes on the nonexempt person who is then forced to fight?	1		

If a claimed equivalence between secular and religious beliefs cannot threaten the practice of granting exemptions, what might?	1		
How did the financial regulatory system fare?	1		
Did the regulatory system work before and during the crisis?	1		
Is the system basically sound, needing only minor reforms?	1		
Or does the crisis bespeak a more profound problem in financial regulation?	1		
Do we trust the institutional structures and processes for ordering the financial marketplace to produce normatively acceptable distributional outcomes?	1		
Does the process have sufficient legitimacy to support its distributional effects?	1		

**Appendix 4.** *Cases of personal asides found in female and male corpus*

<b>MALE</b>		<b>FEMALE</b>	
(And, of course, part of the explanation of why we call such things “cars” is that they have some salient features of real cars.)	1	(much like those we hear from progressives today)	1
(I will generally refer to such moral reasons as “democratic	1	(particularly race discrimination, Naim v. Naim notwithstanding).	1

reasons,” “reasons of democracy,” or the like.)			
(I have coined the term moral profile for the panoply of obligations, powers, permissions, and the like; <sup>54</sup> for convenience,	1	(notably a marked increase in substantially uncontrolled prosecutorial power).	1
(though I don’t take traditional conceptual analysis of law to be as prevalent in the field as Schauer does)	1	(or depicts it as usually siphoning off movement energy)	1
(Of course, there is always room for improvement, for innovation, and for learning from other sectors. But improvement and innovation aren’t necessarily the same as making government more business-like — and proposed reforms must be measured against principles broader and more constitutionally resonant than economic efficiency.)	1	(Though as Sugrue and others have recently shown, the difference is perhaps not as great as we used to think.)	1
(and thus now more likely to serve out their careers in government)	1	(my research revealed some seventy-five cases, not including tutelas, in which the court scrutinized tax laws)	1
(and perhaps even lower federal courts if Justice Story is to be believed)	1	(in our stylized economy, this means that the second and third income quartiles each gain three units)	1
(That doesn’t mean eliminating interest-group pluralism or even preference aggregation. I don’t think democratic politics should be modeled on a boring graduate seminar, where everyone is	1	(or, put differently, our effort to reconcile our desire to forge common norms of citizenship with our fear of state indoctrination and overencroachment).	1



trying to figure out the best argument but no one cares or has any particular stakes. But that's another matter.)			
(If you're worried that somehow states would run into dormant commerce clause objections, have Congress do it as regulation of commerce.)	1	(as in, I feel safe here).	1
(Social status is different from income and wealth, but I set that aside.)	1	(This example nicely shows the problem with common disability metaphors; they often reflect or contribute to erroneous stereotypes, like the idea that blind people are stupid.)	1
(Try scrambling those three normative issues and the way Scanlon deploys the facts in each. See how much changes?)	1	(What happens to the plaintiffs in this case, if their account is to be believed, would be quite a bad thing to imagine was happening.)	1
(if that is a fair characterization)	1	(And perhaps this response is apt, although unpleasant, when what's offered is untrue.)	1
(however, I will sometimes write simply of obligations.)	1	(For those who are interested, this was most likely the poet and philologist F.W.H. Myers's answer to a question, possibly asked by Matthew Arnold, about what question he'd most like answered.)	1
(perhaps this is what he means when he calls the bailout experience "distasteful")	1	(Imagine a book called Deceived Women and the Law — or even Gender, Lies, and the Law — rather than Intimate Lies and the Law.)	1
(if you read it in a certain way)	1	(Others, by contrast, have argued that the courts should intervene in	1

		austerity measures only when the minimum core is at stake.)	
(also effectively used by Kaufman’s predecessor as Chair of the Congressional Oversight Panel, then-Professor and now-Senator Warren)	1	(for example, a defendant committing a murder in an “especially heinous, cruel, or depraved” way)	1
(And, as mentioned above, if our interest is in the practical question of whether coercion is an important means of ensuring compliance, the answer is obviously yes, so the whole question of what it is to obey the law qua law seems a red herring.)	1	(other than some mildly embarrassing anecdotes about Vice President Biden)	1
(although the federal statute of limitations for bank fraud is ten years)	1	(As is discussed in section II.C, however, this assumption is more tenuous than when the Steikers were writing.)	1
(To be sure, there is certainly space for overlap, given the political and moral value judgments in “scientific” regulation, such as what elements to include in a cost-benefit analysis.)	1	(though not wholly)	1
(None of this should gloss over the fact that there were also deep divisions within each industry sector, such as moneycenter banks versus community banks or banks versus credit unions.)	1	(Indeed, if the idea of a universal basic income continues to gain traction in public discourse, Taylor’s vision might start to look less fantastical.)	1
(relatively speaking)	1	(And for Taylor, a collective threat of exit, or a strike, poses its own peril of	1

		domination by monopolistic labor organizations.98)	
(if I understand correctly)	1	(as my chosen stand-in for instrumentalist, deterrence-based theories)	1
(and likely has better post-government employment prospects)	1	(including promotion denials, loss of assignments, and other denials of workplace benefits)	1
(Insert here a snatch of the Brussels and Brexit Blues, not particularly melodious and in a minor key.)	1	(particularly in symbolic diversity efforts).	1
(I wonder whether “suitable motivation” adds anything at all to reasonableness and reject ability but leave that aside for now. Parsimony is the least of my worries about this theory.)	1	(or to demonstrate the offeror’s racially progressive stance),	1
(I suppose each is properly understood as a cluster of principles, but no matter.)	1	In my view, Onwuachi-Willig’s proposal to add interraciality as a protected feature under antidiscrimination statutes seems better understood as a thought experiment that pushes us to think more deeply about collective-based discrimination, rather than as a practical proposal to add another discrete form of bias to existing antidiscrimination protections.	1
(or, perhaps more accurately, crises)	1	Despite these problems, in my view, Onwuachi-Willig’s account of the interracial family provides a much-needed starting point for persons interested in theorizing about the	1

		relationship between family formation and racial formation.	
(and perhaps even lower federal courts if Justice Story is to be believed <sup>50</sup> )?	1	(not only involving Judges Posner and Calabresi!)	1
(a quagmire, perhaps?)	1	(I have argued previously)	1
(full disclosure, I was one of them <sup>60</sup> )	1	(Anderson's focus as well as mine here)	1
(and perhaps needs to be)	1	(though not much by way of privacy or due process)	1
(and of preserving the Court as an institution that will be there when we need it)	1	(indeed, the ALI Advisory Committee had wanted to abolish the death penalty but the Council considered it politically unfeasible <sup>108</sup> )	1
(though it certainly can include ordinary criminality)	1	[especially with respect to racial bias]	1
(And, conversely, partisan motives might supply a useful incentive for a President's supporters to resist a doubtful effort to impeach.)	1	(of which I was one)	1
(a conclusion with which many Republicans might agree, with which I agree, and one that can be defended on politically neutral terms)	1	(or, rather, for everyone who has the money and time for civil litigation <sup>208</sup> )	1
(I will come back to this problem of self-reference later: in what sense is Kennedy's own approach not an analysis of a system and its logic?)	1	(and presumably more likely to diverge from current preferences)	1
(though the threat of its use is rarely entirely absent)	1	(or perhaps that the legislature does not disagree strongly enough to	1

		overcome the substantial hurdles to overriding the judicial decision)	
(and accounting for specialized usages and terms of art)	1	at least, if one does not include the dozens of inconsequential laws passed to commemorate groups or causes, to name federal buildings, and the like)	1
		(which may not actually reflect legislative preferences)	1
		(although an opt-out with respect to particular statutes is possible through clear textual language)	1
		(but which are often described by judges as tools to understand enactor preferences)	1
		(except perhaps with respect to certain “white-collar” criminals)	1
		This, I think, is not the best interpretation of Shiffrin’s claim, but if I am mistaken, we then have to ask why, in some circumstances, showing proper respect for communication is more important than other, conflicting moral aims, such as protecting a life.	1
		(only?)	1
		(especially contracts)	1
		(perhaps exploited through advertising)	1
		(although, ironically, with regard to views opposite his own and Epstein’s)	1
		(and, presumably, its decisions)	1

		(Remarkably, Justice Frankfurter published these words just after orchestrating the denial of the first plea for relief in <i>Naim v. Naim</i> .)	1
		(Notably, throughout this Review Essay, I make the same assumption.)	1
		(Notably, Bickel endeavors to justify <i>Naim v. Naim</i> on this ground.)	1
		(and perhaps also the moral)	1
		(absent a significant — and, to my mind, unappealing — change in norms of judicial practice)	1
		(And, to repeat, I do not believe the Chief Justice would approach his job in this manner.)	1
		(or here mixed-race couples)	1

**Appendix 5.** *Stance and engagement colour marking in the text*

MARKER	COLOUR
Hedges	Red
Boosters	Yellow
Attitude markers	Light green
Self-mention	Blue
Reader pronouns	Grey
Directives	Pink
Questions	Brown
Shared knowledge	Purple
Personal asides	Dark green

**Appendix 6.** *List of the authors' names and the titles of the articles*

<b>NR.</b>	<b>THE NAME OF THE AUTHOR</b>	<b>THE TITLE OF THE RESEARCH ARTICLE</b>
1.	Camille Gear Rich	MAKING THE MODERN FAMILY: INTERRACIAL INTIMACY AND THE SOCIAL PRODUCTION OF WHITENESS
2.	Catherine M. Sharkey	MODERN TORT LAW: PREVENTING HARMS, NOT RECOGNIZING WRONGS
3.	Cynthia Estlund	RETHINKING AUTOCRACY AT WORK
4.	Deborah W. Denno	COURTING ABOLITION
5.	Dorothy E. Roberts	DIGITIZING THE CARCERAL STATE
6.	Elizabeth F. Emens	ON TRUST, LAW, AND EXPECTING THE WORST
7.	Elizabeth Garret	PREFERENCES, LAWS, AND DEFAULT RULES
8.	Kristen A. Carpenter	LIVING THE SACRED: INDIGENOUS PEOPLES AND RELIGIOUS FREEDOM
9.	Leslie Kendrick	HOW MUCH DOES SPEECH MATTER?
10.	Lina M. Khan	THE END OF ANTITRUST HISTORY REVISITED
11.	Marry Anne Franks	JUSTICE BEYOND DISPUTE
12.	Maxine Eichner	THE FAMILY IN CONTEXT
13.	Melissa Murray	SEX AND THE SCHOOLHOUSE
14.	Mila Versteeg	CAN RIGHTS COMBAT ECONOMIC INEQUALITY?
15.	Natalie Ram	BODY BANKING FROM THE BENCH TO THE BEDSIDE
16.	Nicola Lacey	HUMANIZING THE CRIMINAL JUSTICE MACHINE: RE-ANIMATED JUSTICE OR FRANKENSTEIN'S MONSTER?
17.	Risa Galuboff	LAWYERS, LAW, AND THE NEW CIVIL RIGHTS HISTORY
18.	Suzanna Sherry	PROPERTY IS THE NEW PRIVACY: THE COMING CONSTITUTIONAL REVOLUTION

19.	Tara Helfman	CROWN AND CONSTITUTION
20.	Tara Leigh Grove	THE SUPREME COURTS LEGITIMACY DILEMMA
21.	Mark L. Rienzi	THE CASE FOR RELIGIOUS EXEMPTIONS WHETHER RELIGION IS SPECIAL OR NOT
22.	Adam J. Levitin	THE POLITICS OF FINANCIAL REGULATION AND REGULATION OF FINANCIAL POLITICS
23.	Andrew Koppelman	LEFT EVANGELICALISM AND THE CONSTITUTION
24.	Charles R. Lawrence III	IMPLICIT BIAS IN THE AGE OF TRUMP
25.	Christopher S. Yoo	TECHNOLOGICAL DETERMINISM AND ITS DISCONTENTS
26.	David A. Strauss	NOT UNWRITTEN, AFTER ALL?
27.	David Singh Grewal	THE LAWS OF CAPITALISM
28.	Don Herzog	FACTS, VALUES, JUSTIFICATION, DEMOCRACY
29.	Hiroshi Motomura	MAKING IMMIGRATION LAW
30.	Jean Galbraith	COOPERATIVE AND UNCOOPERATIVE FOREIGN AFFAIRS FEDERALISM
31.	Jedediah Purdy	COMING INTO THE ANTHROPOCENE
32.	Jeffrey S. Sutton	COURTS AS CHANGE AGENTS: DO WE WANT MORE – OR LESS?
33.	Jeremy K. Kessler	THE STRUGGLE FOR ADMINISTRATIVE LEGITIMACY
34.	Jon D. Michaels	RUNNING GOVERNMENT LIKE A BUSINESS... THEN AND NOW
35.	Mark Greenberg	HOW TO EXPLAIN THINGS WITH FORCE
36.	Michael Stokes Paulsen	TO END A (REPUBLICAN) PRESIDENCY
37.	Nikolas Bowie	CORPORATE PERSONHOOD V. CORPORATE STATEHOOD



38.	Philip Alston	DOES THE PAST MATTER? ON THE ORIGINS OF HUMAN RIGHTS
39.	Robert Howse	THE END OF THE GLOBALIZATION DEBATE
40.	Samuel Moyn	KNOWLEDGE AND POLITICS IN INTERNATIONAL LAW

**Appendix 7.** *List of markers by Ken Hyland (2005)*

<b>Attitude markers:</b>
Admittedly, agree, agrees, agreed, amazed, amazing, amazingly, appropriate, appropriately, astonished, astonishing, astonishingly, correctly, curious, curiously, desirable, desirably, disappointed, disappointing, disappointingly, disagree, disagreed, disagrees, dramatic, dramatically, essential, essentially, even x, expected, expectedly, fortunate, fortunately, hopeful, hopefully, important, importantly, inappropriate, inappropriately, interesting, interestingly, prefer, preferable, preferably, preferred, remarkable, remarkably, shocked, shocking, shockingly, striking, strikingly, surprised, surprising, surprisingly, unbelievable, unbelievably, understandable, understandably, unexpected, unexpectedly, unfortunate, unfortunately, unusual, unusually, usual.
<b>Boosters:</b>
Actually, always, believe, believed, believes, beyond, doubt, certain, certainly, clear, clearly, conclusively, decidedly, definite, definitely, demonstrate, demonstrated, demonstrates, doubtless, establish, established, evident, evidently, find, finds, found, in fact, incontestable, incontestably, incontrovertible, incontrovertibly, indeed, indisputable, indisputably, know, known, must (possibility), never, no doubt, obvious, obviously, of course, prove, proved, proves, realize, realized, realizes, really, show, showed, shown, shows, sure, surely, think, thinks, thought, truly, true, undeniable, undeniably, undisputedly, undoubtedly, without, doubt.
<b>Hedges:</b>
About, almost, apparent, apparently, appear, appeared, appears, approximately, argue, argued, argues, around, assume, assumed, broadly, certain amount, certain extent, certain level, claim, claimed, claims, could, couldn't, doubt, doubtful, essentially, estimate, estimated, fairly, feel, feels, felt, frequently, from my perspective, from our perspective, from this perspective, generally, guess, indicate, indicated, indicates, in general, in most cases, in most instances, in my opinion, in my view,

in this view, in our opinion, in our view, largely, likely, mainly, may, maybe, might, mostly, often, on the whole, ought, perhaps, plausible, plausibly, possible, possibly, postulate, postulated, postulates, presumable, presumably, probable, probably, quite, rather x, relatively, roughly, seems, should, sometimes, somewhat, suggest, suggested, suggests, suppose, supposed, supposes, suspect, suspects, tend to, tended to, tends to, to my knowledge, typical, typically, uncertain, uncertainly, unclear, unclearly, unlikely, usually, would, wouldn't.