

Comparative Genre Analysis of Statement of Claim and Statement of Defence (Legal Genres)

Kafui Danku Diaba¹, Vivian Addoboah-Bersah²

^{1,2}Department of English Language, Holy Child College of Education, Ghana

DOI: <https://dx.doi.org/10.47772/IJRISS.2024.8080222>

Received: 10 August 2024; Accepted: 15 August 2024; Published: 13 September 2024

ABSTRACT

This investigation underscored Legal Genres a complex type of discourse. It was realized through legal texts written in legal environment, which are regarded as special-purpose texts different from other kinds of texts in respect to their text-internal and text-external properties. A great variety of legal texts reflects the diversity of law itself. As different legal texts tend to have different functional structural, and linguistic features, they are classified into genres on the basis of different criteria. The analysis of genres of legal texts contributes to the overall understanding and construction of legal discourse in general and legal texts in particular. This paper aims to draw a comparative analysis of two closely related legal genres which are Statement of Claim and Statement of Defence, focusing on specific features of the two genres. This paper unearths the specific roles these two closely related genres play in the legal context and also show the core elements in their features resulting from the move patterns, making their similarities and differences to be clearly exposed. It was also a way to bring up the core elements. These two important documents must be present and acceptable for court proceedings. The study revealed that the two genres discussed are useful only in Civil cases (Two individuals), and not in Criminal cases (State vs. Individuals). It was also identified that the study implies that the two genres complement each other's role in their communicative functions they perform. The theoretical framework that underpinned this study was the genre theory. According to (Kim, J., Greiner, M., & Zhu, E. 2024) these included the English for Specific Purpose (ESP) and others. For the sake of this research, the focus shall be on the English for Specific Purpose (ESP).

Keywords: Comparative Genre Analysis, Genre Analysis, Legal Language, Legal Discourse/Genre, Move Analysis, Statement of Claim, Statement of Defence.

INTRODUCTION

The importance of genre knowledge in helping language learners to understand and master academic, professional or educational discourse has been widely acknowledged for over two decades (Flock, O. S., 2023).

Genre is a class of communicative events in which language plays a primary role. Genre analysis explores discourse features in the broad context of the communicative event and attempts to provide the rationale of the discourse features in terms of authors' intentions and institutional conventions (Flock, O. S., 2023).

Mullett, M. (2023) identifies three main traditions in contemporary genre studies, which can be seen as complementary, rather than competing approaches: English for Specific Purposes (ESP) genre analysis, New Rhetoric studies, and a distinctive Australian approach that draws extensively on Systemic Functional Linguistics (SFL). This study falls under the approach of English for Specific Purposes (ESP) tradition of genre analysis.

Many researches or studies have been carried out in an attempt to translate legal texts and to study the demands of most legal genres since the introduction of English for Specific Purposes (ESP), which made room for various aspects of the English language to be studied, like English for Occupational Purposes (EOP), a variety of ESP, and also English for Legal Purposes (ELP), the focused language variety for this study.

Law, which plays a vital role in reinforcing communication between nations and peoples, is expressed mainly through legal language and legal texts (Mullett, M. 2023). The vital role the Law plays in most societies in the world cannot over – emphasised. The societies relied on law to seek justices. Rodrigues (2005, p. 20) argues that “if (almost) all aspects of life in society are guided by rules, that is, organized in legal terms, it is urgent that pay some attention to the analysis of this language which defines and structures our behaviours.”

In order to understand law, it is necessary to perceive the language in which the legal texts are created and be aware of different ways in which these texts are constructed. It should be noted that recently, more attention has been paid to the investigation of features of legal language and issues in the translation of legal texts. Researches on particular features of legal texts aim to define differences between legal language and general language, to compare legal language of different countries, to delineate similarities and differences between different genres of legal texts (Xia, S. A. 2020). Despite all attempts on the study of legal language, not much has been made to conduct research into studying the move patterns that occur in specific legal genres which play vital roles in court proceedings. Two very important and very significant genres used in every court worldwide are the focus of this research.

In law court proceedings, all arbitrations must follow some basic principles. The parties generally submit a full written statement at an early stage. This statement often includes each party’s description of the grounds for arbitral jurisdiction, detailed specifications of amounts claimed with provision for amendments and provisions concerning the reimbursement of arbitration expenses and attorney charges. A wise claimant or plaintiff presents all relevant facts and documents at the first stage because failure to do so will inevitably give the respondent or defendant the opportunities to create unnecessary delays. Also, a defendant who introduces new facts at a later stage without reasonable excuse and thus delays the settlement and judgement will be penalised and forced to bear the additional costs caused by the adjournment of the case. It is therefore very expedient that the plaintiff or claimant should present a good Statement of Claim is the most important written document which begins a court proceeding. A good statement of claim goes a long way to help easy case settlement without any difficulty. It also opens room for a clearer statement of defence, which is the second most important written document to a case, since it produces a direct response from the statement of claim. These two documents are the focusing documents or documents of interest for this study.

A statement of claim is a court document that sets out how much or what the other party claims you owe them and why they are making the claim. The statement of claim starts a court case. (Schlichtkrull, M., Guo, Z., & Vlachos, A. 2024). Tetzlaff Nathan (2019) in his definition of Statement of Claim states that a Statement of Claim is the first document filed in most cases in the District Court or High Court. The purpose of the Statement of Claim is to explain what a plaintiff wants and their legal and factual justification for this. It is very important to get the Statement of Claim right because anything which is not claimed will not be awarded.

To defend the claim, it must file a document called a statement of defence. A defendant's written answer or reply to a statement of claim, admitting or denying each and every one of the facts contained in the statement of claim and alleging such facts as the defendant wishes to assert at trial in opposition to the plaintiff's case. A defence confirms that you deny some or all of the claim and the reasons why. These reasons are called the grounds of your defence.

A 'Defence' form is a document filed at court by the defendant to notify the court and the plaintiff that they dispute the claim, and it may also include the reasons why they do not owe the money claimed. (Legal Pedia, the online Legal Dictionary)

The two documents shall be critically analysed using Julia Huttner (2010) moves taxonomy considering the following research questions (to find out which features are most significant in the statement of claim and statement of defence, and also know the features they have in common)

1. What are the most significant moves found in the Statement of Claim and Statement of Defence according to the status of the moves and textual space they occupy?

2. What communicative purpose do the Statement of Claim and Statement of Defence serve as legal genres considering the move status and the textual space, in both documents?
3. What common features do the Statement of Claim and Statement of Defence share according to their communicative purposes which make them comparable as legal genres?

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

The theoretical framework that underpinned this study is the genre theory. According to Olejniczak, T., & Pikos, A. (2024), these included the English for Specific Purpose (ESP) and many others. For the sake of this research, the focus shall be on the English for Specific Purpose (ESP). The relevant literature for this study was reviewed taking into consideration the following Frameworks: Theoretical framework, Conceptual Framework, and Empirical review.

Conceptual Framework (The Concept of Genre)

Over two decades, the importance of genre knowledge in helping language learners to understand and master academic, professional and educational discourse has been widely acknowledged (Hempfer, K. W., 2024).

Afful and Tekpetey (2011) are of the view that the term genre dates as far back as the Greco-Roman period, it is only in recent times that it has been popularized, especially in Applied Linguistics. The concept of genre which has been so prevalent in literature, sociology and rhetoric for a long time has assumed some importance in linguistics.

Afful (2005) asserts that the term has been popularized, especially, in the field of linguistics, due to the works of linguists such as (Bhatia, 2004). The concept of genre has gained so much attention in the field of discourse and communication language in recent times.

Conklin, W. E. (2024) defines genre as a class of communicative events, the members of which share some set of communicative purposes. These purposes are recognized by the expert members of the parent discourse community, and thereby constitute the rationale for the genre. This rationale shapes the schematic structure of the discourse and influences and constraints choice of content and style. Communicative purpose is both a privileged criterion and one that operates to keep the scope of genre... narrowly focused on comparable rhetorical action.

Another scholarly definition of genre is that of Bhatia which states that genre is a recognizable communicative event characterized by a set of communicative purpose(s) identified and mutually understood by the members of the professional or academic community in which it regularly occurs. Most often, it is highly structured and conventionalized with constraints on allowable contributions in terms of their intent, positioning, form, and functional value.

These constraints, however, are often exploited by the expert members of the discourse community to achieve private intentions within the framework of socially recognized purpose(s) (Jean, J. 2023).

The Concept of Legal Language

In general, a legal language is a formalized language based on logic rules which differs from the ordinary natural language in vocabulary, morphology, syntax, and semantics, as well as other linguistic features, aimed to achieve consistency, validity, completeness and soundness, while keeping the benefits of a human-like language such as intuitive execution, complete meaning and open upgrade. (Tobia, K., 2024).

Legal language means a language used by the persons connected to the legal profession. The language used by the lawyer, jurist, and the legislative drafts man in their professional capacities. Law being a technical subject speaks through its own register. (Ashok, 2019)

Nature and Scope of Legal Language

Legal language comes across and influences different segments of the society. Some of them may be law knowing persons and others may not. The communication between the law-giver and men of law is one-way communication. It can be found in the shape of statute. The language of the statute is most technical and legislators have very little to do with it but drafters take care that it is communicative of the law-givers intention. (Guha, N., Nyarko, J., Ho, D., Ré, C., Chilton, A., Chohlas-Wood, A., ... & Li, Z. 2024).

The communication between the Judge and the Counsel is two-way, as both are well-versed in law. So is the case with formal communication between the two opposed Counsel while addressing the judge. This short communication involves judgments and briefs. In the third instance there is informal consultation that takes place either between two or more judges, chamber or between two or more counsels in counsel's office or bar room or among men of law in jurisprudential decisions. Lastly, there is the consultation between the ordinary citizen and the counsel. The former may be ignorant of law and therefore the job of the latter is more difficult as he has to give legal shape and terminology to the ordinary language of the client. (Cited in Ashok K. Kelkar's Language and Legal Communication, 2023)

The Concept of Legal Discourse/Genre

Being a complex type of discourse, legal discourse is realized through legal texts written in legal language, which are regarded as special purpose texts different from other kinds of texts in respect of their text-internal and text-external properties. (Brožek, B., 2020).

The term legal discourse captures the various relationships between language use and the realm of law. According to the proposed pragmatically-oriented characterization, discourse consists of contextualized utterances (text) that serve a certain primary communicative purpose. This purpose corresponds to the author's perlocutionary intention to change the legal situation – an intention manifested in the text and reflected in the actual illocutionary force of its component utterances. One merit of employing the notion of a manifested perlocutionary intention as a tertium division is that it sharply sets legal discourse apart from all other types of discourse. An additional advantage of the solution advocated here lies in the fact that the resultant account of legal discourse is compatible with the related concept of a legal act adopted in jurisprudence and based on similar principles. Moreover, viewing legal discourse as text (collection of utterances) occurring in a certain context enables one to distinguish within its different genres and, thereby, account for its significant internal diversification. This is because in each genre, apart from the primary communicative purpose common for all texts belonging to legal discourse, it is possible also to attest a genre-specific secondary communicative purpose relating to the way in which the legal situation is to be affected. (SAVCHUK, V. 2024).

'Legal discourse' signifies a strong interplay between law and language, linking together law as like language and law as itself a language. However, unlike other linguistically modelled accounts, this approach involves a strong opposition to formalisms and their mirror-image realisms. Language as used cannot be 'deduced' from any pre-given matrix or set of propositions but must be studied in terms of its own modalities. The theory of law-as-discourse takes inspiration from the study of legal rhetoric and from socio-legal analysis of the courtroom, but was developed in its own right in the post-structuralist turn in linguistics. Law-as-discourse requires an understanding of the operation of legal talk in different registers, and gestures towards an intertwining of the social, the legal and the linguistic by focusing on the speaker–hearer situation, locution and action. (Routledge, the online Encyclopaedia of Philosophy. (Conklin, W. E. 2024).

Statement of Claim

It is the first pleading in any action begun by writ and it is the pleading in which the plaintiff(s) formulates the factual grounds on which he bases his claim, the relief or remedy against the defendant. Like every pleading, the statement of claim must state in summary form the material facts on which the plaintiff relies for his claim and it must also state specifically the relief or remedy which he claims. There must be an inner connection, a legal relief or remedy claimed. The material fact relied on must disclose a reasonable cause of action against

the defendant. It must therefore show, on the basis of the material fact alleged, a viable legal and enforceable claim against the defendant. (Stewart, M. 2023).

Form of Statement of Claim

For the sake of clarity and precision, it is the practice for the statement of claim to be divided into three related parts; namely:

1. **Matters of Inducement:** These are introductory averments stating who the parties are, what business they carry on, how they are related or connected and other surrounding circumstances leading to the dispute.
2. **Substantive Content or Body of the Statement of Claim:** It must contain a statement in a summary form of the material fact on which the plaintiff relies for his claim. It must disclose a cause of action in every plaintiff and a legal liability in every defendant. If the action is in contract, it must set out the terms of the contract, its date, parties, the consideration for it if it is not under seal, the breach of it and the consequent damage; all special damages must be set out in full details.
3. **Prayer for Relief:** After pleading the material contents, the statement of claim must conclude with the relief or remedy claimed. The statement of claim must state specifically the relief or remedy which the plaintiff claims. This is the prayer and should always come at the end of the statement of claim setting out the reliefs/remedies sought in the action. (Rahner, K. 2023).

Statement of Defence

The function is to state the grounds and the material facts on which the defendant relies for his defence. Its objective is to inform the plaintiff precisely how much of the statements of claim the defendant admits and how much he denies and what grounds and facts the defendant relies on to defeat the claim of the plaintiff. In the defence the defendant must deal specifically with every material allegation contained in the statement of claim, traversing it or admitting it, or admitting it with some stated qualification. (Johnson, E. 2024).

Form of Statement of Defence

Statement of defence must contain these core elements that will serve as a response to the claim from the plaintiff.

1. **Admission – Expressed or Implied:** A defendant ought properly to admit in his defence material facts as to which there is really no controversy and conversely, he ought not to deny plain and acknowledged facts which it is neither in his interest nor in his power to disprove.
2. **Traverse by Denial or Non-Admission:** A traverse in the defence is a denial of an allegation of facts made in the statement of Claim. It operates to put an allegation in issue and places the burden on the plaintiff.
3. **Special Grounds of Defence:** The defendant must in his defence specifically plead any matter for example, relief, any relevant statute of limitation, fraud or any fact showing illegality – which she alleged makes any claim of the plaintiff not maintainable or – which if not specifically pleaded might take the plaintiff by surprise – which raises issues of fact not arising out of the statement of claim.
4. **Set off or Counterclaim:** A set off is a claim by the defendant to a sum of money, whether of an ascertained amount or not, which is relied on as a defence the whole or part of the claim made by the plaintiff.

A counterclaim on the other hand is a cross claim which the defendant may raise in the very action brought against him by the plaintiff. (Rahner, K. 2023)

Empirical Framework

Since the emergence of English for Specific Purposes (ESP) in the 1960s, more and more studies of language use in specific contexts have been carried out in the field. This section will look at few studies under English for Specific Purposes (ESP).

Francioni, B., & Martín, O. M. (2024), conducted a comparative genre analysis of Chinese and American court judgements. In their study, they stated that whether in legal practice or jurisprudence, court judgments or case briefs are one of the most important legal genres for the legal profession.

The paper examined contrastively the linguistic characteristics, moves and rhetoric of Chinese and American court judgments, with the aim of specifying the rhetorical preferences that are characteristic of 'standard' judgments. Legal cultures were employed to account for the generic and rhetorical differences. This study also has an underlying pedagogical motivation in that the results would be of great value and interest to the Chinese students of Language for Legal Purposes (LLP) and the lawyers practicing foreign legal affairs.

Donata BERŪKŠTIENĒ, PhD student of the Department of Foreign Language, Literary and Translation Studies at the Vytautas Magnus University also conducted a study on legal genres. The paper gave an overview of functional, structural and lexico-grammatical properties of legal texts as well as criteria used to classify legal texts into genres.

According to him, being a complex type of discourse, legal discourse is realized through legal texts written in legal language, which are regarded as special purpose texts different from other kinds of texts in respect of their text-internal and text-external properties. A great variety of legal texts reflects the diversity of law itself. As different legal texts tend to have different functional, structural and linguistic features, they are classified into genres on the basis of different criteria. The analysis of genres of legal texts contributes to the overall understanding and construction of legal discourse in general and legal texts in particular. The paper aims at the overview and discussion of genres of legal texts focusing on specific features of legal texts and criteria of the classification of legal texts into genres (Xu, L., Zhang, J., Li, B., Wang, J., Cai, M., Zhao, W. X., & Wen, J. R. (2024).

METHODOLOGY

The study was purely descriptive as such the qualitative research design was adopted for this study to explore the move patterns realised from the schematic structure. The qualitative research design supported the analysis of the move patterns in the two genres and also expose the purpose of these two genres in the legal sector, as well as realised their similarities and differences. Creswell (2003), defines qualitative research as one in which the inquirer often makes knowledge claims based primarily on constructivist perspective or advocacy perspective or both. The goal of qualitative research is to discover patterns which emerge after close observation, careful documentation and thoughtful analysis of the research topic. (Creswell, 1994) Coppedge, M., Gerring, J., Knutsen, C. H., Lindberg, S. I., Teorell, J., Marquardt, K. L., ... & Wilson, S. L. (2024) also posits it that "while the quantitative research is based on numerical data which is analysed statistically, qualitative research uses non numerical data." Two significant legal documents, Statement of Claim and Statement of Defence were the sources of my data. Ten (10) copies of these two documents, five (5) each, were randomly sampled from Diaba Diaba & Co. (Fafa Chambers), a Law Firm in Takoradi, Western Region, for the analysis. Each Statement of Claim has its matching response, Statement of Defence so as to satisfy the demands of the study. Also, since these two Legal documents are not occluded, I could get access to as many exemplars as possible but due to the limited time within which the research should be carried out, the sample size was limited to ten to enable to have concrete analysis within the time frame. With this notwithstanding, the ten exemplars have the capability of giving reliable analytical information just as a larger number could do, as Creswell (1994) rightly said that when there are a number of similar data, it is only prudent that a small number out of the lot is selected for a good analysis of it and not necessarily a large number since the data is similar.

Data Collection Procedure

The data collection procedure took two main processes, which took place for five days. First, a visit was made to the chambers for intentions declaration, of using a data from their Law firm for a study, known to the lawyer in charge. It was stated clearly the two documents involved in the study, the number of exemplars needed and the period within which the research will be carried. Secondly follow-up was made on the fifth day,

opportunity was given to select data from a quantity of samples, The selection was randomly done since the choice of sample did not depend on any purpose or condition.

DATA ANALYSIS

Genre Analysis

In this study, genre analysis was done from the ESP tradition. Conklin, W. E. (2024), a member of the ESP tradition proposes that genre analysis is the analysis of language use in a broader sense in order to account for not only the way text is constructed but also for the way it is likely to be interpreted, used and exploited in specific contexts to achieve specific goals. To put it simply, he proposes that identifying the Moves and Strategies of a genre as well as the allowable order of the Moves and the key linguistic features are the general aims of a genre analyst. The Moves and Strategies (or Steps) help the writer to declare his/her communicative purposes.

Taylor & Conklin, W. E. (2024), a leading member of the ESP tradition, also indicates that in order to embark on a genre analysis of a text, the analyst must identify the rhetorical/schematic structure of a genre and relate it to its communicative purpose while recognizing the social context to which it belongs.

This means that the analyst must first identify and label the Moves and Steps that realize the communicative purposes, consider how the Moves and Steps are arranged and determine the grammatical units that are used in realizing the Moves. Guided by these principles, the analyst must also guard against the fact that some of the Moves and Steps must be obligatory.

The obligatory Moves according to Bruce (2010) are functional defining stages which are necessary for a text to be identified as a genre text. Having identified the schematic structure of the genre text, the analyst can then carry on with the analysis by studying the specific features of language that are predominantly used or by studying the frequency of syntactic properties in the genre.

The essence of undertaking linguistic analyses of the frequency of syntactic properties in different genres is to provide empirical evidence to confirm or disprove some of the intuitive and impressionistic statements we all tend to make about high or low incidence of certain lexicon-grammatical features of various genres (Rahner, K. 2023).

Moves / Move Analysis

It is very clear that move analysis form an integral part of the ESP genre analysis theory. Yadav, S. P., Zaidi, S., Nascimento, C. D. S., de Albuquerque, V. H. C., & Chauhan, S. S. (2023). Analysis and Design of automatically generating for GPS Based Moving Object Tracking System. In 2023 International Conference on Artificial Intelligence and Smart Communication (AISC) (pp. 1-5). IEEE. defines move in genre analysis as a discursal or rhetorical unit that performs a coherent communicative function in a written or spoken discourse (Swales, 2004, p. 29).

According to Taylor & Francis, W. E. (2024). Moves are consistent conventional patterns not learned by the users but are parts of their unconscious knowledge which can be recognized by means of Move structure analysis. A plethora of Move analysis studies have been conducted to describe the types of information used in different genres of various disciplines.

To have a clear interpretation of moves that will occur in this study, Bruce (2010). Taxonomy of move analysis shall be used as a guide to the interpretation of move frequencies in this study.

Table 1: Guidelines for Deciding on Status of Individual Moves

Frequency	Status	Comments
90% - 100%	Obligatory	Genre exemplar usually considered inappropriate or in some way “flawed” without this move
50%-89%	Core	typical of the genre, considered part of an appropriate and acceptable genre exemplar
30% - 49%	Ambiguous	status can only be decided with further expert information – can be core or optional
1% - 29% (Below 30%)	Optional	not considered a typical feature of genre, can be considered an acceptable addition

Bruce (2010)

Comparative Genre Analysis

This study will make use of a mono disciplinary comparative genre analysis, analyzing two related legal genres, Statement of Claim and Statement of Defense. According to ElSerty, L. (2024). Genre Analysis of the Abstracts of EAP and AAP Journal Articles: A Comparative Study with Pedagogical Implications. Journal of Academic Perspectives Volume, (1), 22., comparative analysis emphasizes on the explanation of differences and explanation of similarities. It compares genres which may be either similar or different but have something in common. It can be done by using one genre as a yardstick for weighing the other genre (lens comparison). Some Comparative Genre Approaches include; Mono disciplinary, Cross disciplinary, Cross cultural genre analysis, Diachronic and Synchronic analysis. This study’s focus is on the Mono Disciplinary analysis.

Mono Disciplinary Approach

It is done within a single discipline or body of specialized knowledge like Law, Economics, Medicine, English etc.(Francioni, B., & Martín, O. M. 2024), The study made use of the genre theory (Yadav, S. P., Zaidi, S., Nascimento, C. D. S., de Albuquerque, V. H. C., & Chauhan, S. S. 2023). and Bruce (2010) Taxonomy of Move Frequency model for the identification of the status of moves in a text and to analyse the communicative purpose of the data. Thus, the two sets of data for the study were analysed based on Swales’ perspective of move analysis, considering the frequency of Moves, sequence of the Moves and textual space occupied by the moves.

The study used the English for Specific Purposes (ESP) approach to text analysis, specifically the approach of (Francioni, B., & Martín, O. M. 2024), to analyse the move patterns in order to be able to ascertain the communicative purpose of the two documents, as well as analyse their similarities and differences.

Move Analysis of Statement of Claim and Statement of Defence

Move Analysis of Statement of Claim

The communicative purpose of the statement of claim is to support a plaintiff’s writs of summons at court by presenting matters which formulate factual grounds on which he bases his claims, the relief or remedy against the defendant.

Table 2: Moves Identified in a Statement of Claim and their Interpretations

MOVE	NAME	DESCRIPTION OF MOVE
M1	Forum	Gives details about the court where case was filed, as well as the filing details.
Step1	Court name	
Step2	Place of court	
Step3	Filing Date and Time	
Step4	Suit Number	
M2	Plaintiffs	Gives detailed information about the plaintiffs.
Step1	Name of Plaintiffs	
Step2	Residential Address	
M3	Defendants	Gives detailed information about the defendants
Step1	Name of Defendants	
Step2	Residential Address	
M4	Heading	Official title/heading of statement
M5	Matters of Inducement	Introduces parties involved and how they relate as far as the case is concerned.
Step1	Introduction of Plaintiff	
Step2	Introduction of Defendant	
M6	Body of Pleading	States the material facts on which the plaintiff relies for support
Step1	Background to Dispute	
Step2	Averment or Claims	
M7	Prayer for Relief	The relief or remedy which the plaintiff claims
M8	Processing Details	Gives details of the lawyers who processed the statement; they are the authors of the process.
Step1	Processing Date	
Step2	Author of Process	
M9	Recipients	It indicates the court registrar to whom the summons is served and any other recipient

Table 3: Frequency of Moves in the Statement of Claim Exemplars

EXEMPLARS	FREQUENCY OF MOVES
SC1	M1,Step1, Step2, Step3, Step4, M2,Step1, Step2, M3,Step1, Step2,M4,M5,Step1, Step2,M6,Step1, Step2, M7,M8,Step1, Step2, M9.
SC2	M1, Step1, Step2, Step3, Step4, M2, Step1, Step2, M3, Step1, Step2,M4, M5, Step1, Step2, M6, Step1, Step2, M7, M8, Step1, Step2, M9.
SC3	M1, Step1, Step2, Step3, Step4, M2, Step1, Step2, M3, Step1, Step2,M4, M5, Step1, Step2, M6, Step1, Step2, M7, M8, Step1, Step2, M9.
SC4	M1, Step1, Step2, Step3, Step4, M2, Step1, Step2, M3, Step1, Step2,M4, M5, Step1, Step2, M6, Step1, Step2, M7, M8, Step1, Step2, M9.
SC5	M1, Step1, Step2, Step3, Step4, M2, Step1, Step2, M3, Step1, Step2,M4, M5, Step1, Step2, M6, Step1, Step2, M7, M8, Step1, Step2, M9.

Key: SC – Preceding code for Statement of Claim exemplars

Figure: Indicates exemplar

Table 4: Distribution of Moves in Statement of Claim

S/N	MOVE	SC1	SC2	SC3	SC4	SC5	TOTAL
1	M1	1	1	1	1	1	5
2	M2	1	1	1	1	1	5
3	M3	1	1	1	1	1	5
4	M4	1	1	1	1	1	5
5	M5	1	1	1	1	1	5
6	M6	1	1	1	1	1	5
7	M7	1	1	1	1	1	5
8	M8	1	1	1	1	1	5
9	M9	1	1	1	1	1	5

Table 5: Interpretation of Move Frequency Distribution of Statement of Claim

S/N	MOVE NAME	NO. OF OCCURENCE	%	INTERPRETATION
1	Forum	5	100	Obligatory
2	Plaintiffs	5	100	Obligatory
3	Defendants	5	100	Obligatory
4	Heading	5	100	Obligatory
5	Matters of Inducement	5	100	Obligatory
6	Body of Pleading	5	100	Obligatory
7	Prayer for Relief	5	100	Obligatory
8	Processing Details	5	100	Obligatory
9	Recipient	5	100	Obligatory

Bruce (2010)

Move Analysis of Statement of Defence

The communicative purpose of the statement of defence is to inform the plaintiff and all parties involved precisely how much of the statement of claims the defendant admits and how much he denies and what grounds and facts the defendant relies on to defeat the claims of the plaintiff.

The table below illustrates the moves identified in the statement of defence and the sub-moves, which were indicated as steps.

Table 6: Moves Identified in a Statement of Defence and their Interpretations

MOVE	NAME	DESCRIPTION OF MOVE
M1 Step1 Step2 Step3 Step4	Forum Court name Place of court Filing Date and Time Suit Number	Gives details about the court where case was filed as well as the filing details.
M2 Step1 Step2	Plaintiffs Name of Plaintiffs Residential Address	Gives detailed information about the plaintiffs.
M3 Step1 Step2	Defendants Name of Defendants Residential Address	Gives detailed information about the defendants

M4	Heading	Official title/heading of statement
M5 Step1 Step2 Step3	Admissions Express admission Material Facts Confession and Avoidance	Indicates defendant’s acceptance of a claim as true and factual.
M6 Step1 Step2 Step3 Step4	Traverse/Denials General Denial Denial/non-admission Material Facts Special ground of defence	Indicates the defendant’s denial of plaintiff’s claims.
M7	Set off	An amount of money claimed by defendant that is owed him by plaintiff which should be used to settle claims made by plaintiff.
M8	Counterclaim	It is a cross action levelled against the plaintiff by the defendant.
M9 Step1 Step2	Processing Details Processing Date Author of Process	Gives details of the lawyers who processed the statement; they are the authors.
M10	Recipients	It indicates the court registrar to whom the summons is served and any other recipient

Table 7: Frequency of Moves in the Statement of Defence Exemplars

EXEMPLARS	FREQUENCY OF MOVES
SD1	M1,Step1, Step2, Step3, Step4, M2,Step1, Step2, M3, Step1, Step2, M4,M6,Step1, Step2, Step3, Step4, M9,Step1, Step2, M10
SD2	M1,Step1, Step2, Step3, Step4, M2, Step1, Step2, M3,Step1, Step2,M4,M6,Step1, Step2, M5,Step1, M9,Step1, Step2, M10
SD3	M1, Step1, Step2, Step3, Step4, M2, Step1, Step2, M3, Step1, Step2, M4, M6, Step1, Step2, Step3,M5, Step1,M9, Step1, Step2, M10
SD4	M1, Step1, Step2, Step3, Step4, M2, Step1, Step2, M3, Step1, Step2, M4, M6, Step1, Step2, Step3, Step4,M8,M9, Step1, Step2, M10
SD5	M1, Step1, Step2, Step3, Step4, M2, Step1, Step2, M3, Step1, Step2, M4, M6, Step1, Step2, Step3, Step4, M9, Step1, Step2, M10

Key: SD – Preceding code for Statement of Defence exemplars

Figure: Indicates exemplar

Table 8: Distribution of Moves in Statement of Defence

S/N	MOVE	SD1	SD2	SD3	SD4	SD5	TOTAL
1	M1	1	1	1	1	1	5
2	M2	1	1	1	1	1	5
3	M3	1	1	1	1	1	5
4	M4	1	1	1	1	1	5
5	M5		1	1			2
6	M6	1	1	1	1	1	5
7	M7						0
8	M8				1		1
9	M9	1	1	1	1	1	5
10	M10	1	1	1	1	1	5

Table 9: Interpretation of Move Frequency Distribution of Statement of Defence

S/N	MOVE NAME	NO. OF OCCURENCE	%	INTERPRETATION
1	Forum	5	100	Obligatory
2	Plaintiffs	5	100	Obligatory
3	Defendants	5	100	Obligatory
4	Heading	5	100	Obligatory
5	Admission	2	40	Ambiguous
6	Traverse/Denial	5	100	Obligatory
7	Setoff	0	0	Optional
8	Counterclaim	1	20	Optional
9	Processing Details	5	100	Obligatory
10	Recipient	5	100	Obligatory

Text Space Analysis of the Statement of Claim and Statement of Defence

Table 10: Textual Space Analysis for Statement of Claim According to Number of Lines Text Occupies

MOVE	SC1	SC2	SC3	SC4	SC5	TOTAL	%
M1	6	5	6	6	5	28	9
M2	10	5	5	6	4	30	9
M3	8	5	6	6	4	29	9
M4	1	1	1	1	1	5	2
M5	5	4	2	5	4	20	6
M6	37	25	15	24	27	128	40
M7	2	6	7	5	6	26	8
M8	6	5	6	8	6	31	10
M9	4	6	4	4	6	24	7
TOTAL						321	100

Table11: Textual Space Analysis for Statement of Defence According to Number of Lines Text Occupies

MOVE	SD1	SD2	SD3	SD4	SD5	TOTAL	%
M1	5	6	6	4	5	26	9
M2	12	4	5	3	4	28	9
M3	7	8	6	6	4	31	10
M4	1	1	1	1	1	5	2
M5	-	3	7	-	-	10	3
M6	18	16	29	41	28	132	43
M7	-	-	-	-	-	0	0
M8	-	-	-	10	-	10	3
M9	6	6	8	9	7	36	12
M10	5	7	5	6	4	27	9
TOTAL						305	100

DISCUSSION OF FINDINGS

The study analysed two legal genres, Statement of Claim and Statement of Defence. In all, ten exemplars were used for this analysis; five Statements of Claim and Five Statements of Defence.

Statement of Claim

From the analysis in Table 2 above, nine moves were identified from the Statement of Claim (Di Martino, S. (2024), namely Forum, Plaintiffs, Defendants, Heading, Matters of Inducement, Body of Pleading, Prayer for Relief, Processing Details and Recipients. All the five exemplars have the same move patterns and frequency. From the interpretation of the move frequencies in all the five exemplars, it was realised that all moves were obligatory; (Huttner, 2010) since all nine moves were 100% according to the distribution. (Table 4 & 5) This indicates that all the communicative elements in the Statement of Defence are very significant to the court proceedings, which is the purpose this document serves. It also implies that, for a document to be accepted as a Statement of Claim served to a court by a plaintiff, all the above-named moves must be present since each of them serve very significant purposes according to their status interpretation.

The textual space occupied by each move is another significant analysis worth discussing. From the Table 10 above, it is clear that M6, which is the Body of Pleading Move, occupied the greatest textual space with 40%, against the other moves with the next highest being 10% and the lowest being 2% respectively. This shows the significant communicative purpose that particular move serves in relation to the document itself. The M6 move gives detail support to the claims the plaintiff lays and as such the most important part of the statement of Claim. For the Statement of Claim to achieve its communicative purpose, which is to convince the jury for the plea to be accepted in the favour of the plaintiff, much depends on move M6.

Statement of Defence

Ten moves were identified in the Statement of Defence according to the analysis in Table 6. These moves are Forum, Plaintiff, Defendant, Heading, Admissions, Denial/Traverse, set off, Counterclaim, Processing Details and Recipient. Unlike the Statement of Claim, the five exemplars of the Statement of Defence did not follow the same move patterns and frequencies. Moves M1 to M4 followed the same move patterns and frequencies in all the exemplars. But the consistency changed from M5 to M8, where in some cases, like in exemplar SD3, move M6 came before M5, which means that the defendant denied earlier claims before admitting some of the paragraphs. This is a common feature with Statement of Defence. In the same vein, some of the moves were absent while others were consistently present in all the exemplars. Moves M5 and M8 were absent in some exemplars while move M7 was completely absent from the five exemplars the study used for the analysis. This particular move does not always appear in defence statements unless there is an outstanding debt the defendant claims with material facts from the plaintiff, which could be relied on as the payback for part or whole of the claims the plaintiff demands. This happens in rare cases since it is unusual for plaintiffs to owe defendants but rather the other way round.

Also, Table 9 indicates that all moves are obligatory except moves M7 and M8, which are optional and move M5 which is ambiguous since defendants hardly admit claims lay against them by plaintiffs. When it comes to the textual space analysis, Move M6, which is the traverse or denial move occupied the greatest textual space with a percentage of 43, against others, ranging from 12% being the next highest to (0%), the lowest move, M7, which was absent from all the exemplars. Move M6 which occupied the highest textual space is the denial move. It means that denial of claims laid by the plaintiff by the defendant, serves an important purpose in the Statement of Defence. The defendant's ability to deny all or majority of claims laid against him is the major purpose of the Statement of Defence, and the move that occupies the greatest textual space on the Statement of

Defence is responsible for achieving that purpose.

Comparing the Two Genres: Statement of Claim and Statement of Defence

A critical look at the ten tables used for the analysis reveals the relationship that exists between the two genres. The two genres have the following moves in common; M1, Forum move, M2, Plaintiffs and their details, M3, Defendants and their details, M4, the title move, Processing details move, which is M8 in Statement of Claim, and M9 in Statement of Defence, and finally, the Recipient Move which is M9 in Statement of Claim and M10 in Statement of Defence respectively. Out of the ten moves identified in the two genres, the two genres have six of the moves in common, which brings similarities between them. These six moves serve very special communicative purposes. They indicate the court where the case was filed, the parties involved and their details, the title, which communicates the kind of statement being filed, and most importantly the authors (lawyers) who initiate the claim and defence process. These moves, though do not occupy the biggest textual space in both documents, yet form part of the obligatory moves, which means they are compulsory elements of the two genres which must always be there to complement the communicative purpose of these two important legal documents which initiate the court process in all legal sectors irrespective of the country.

Finally, as posit by ElSerty, L. (2024), comparative analysis emphasizes the explanation of differences and explanation of similarities. It compares genres which may be either similar or different but have something in common; for this reason, this investigation points out some differences in the move patterns of the two genres. The moves that differentiate the two genres from each other, form the integral part of the genres, which made each genre peculiar to the other. The main purpose of a Statement of Claim is for a plaintiff to be able to lay claims against a defendant in civil cases.

As such it is not surprising that the moves, M5, M6 and M7 which differentiate the Statement of Claim from the Statement of defense were the moves that critically communicate the major purpose of the genre, which is to plea without failure to convince all parties involved that the plaintiff is worthy of these claims with material facts.

In the same vein, the moves that differentiate the Statement of Defence from the Statement of Claim are the core elements of the Statement of Defence which are to support it to realize its communicative purpose, which is to help the defendant deny every allegation leveled against him in a civil matter, to be able to defend himself against paying for or bearing responsibility for the claims leveled against him. Moves M5, M6, M7 and M8 were the distinguishing move patterns, with M6, which is the Denial or Traverse move, being the most significant move supposed to help the Statement of Defense achieve its aim of defending the defendant against claims leveled against him.

CONCLUSIONS AND IMPLICATIONS

It must be noted that though the two documents have some differences, yet their similarities outweigh the differences. One cannot exist without the other. The Statement of Claim which is the first document that initiates a court process in conjunction with writs of summons needs the Statement of Defence in order for the court process to begin since the Statement of Defence is the direct response to the Statement of Claim.

It must be noted also that, the two genres discussed are useful only in Civil cases (Two individuals), and not in Criminal cases (State vs. Individuals).

The study therefore implies that the two genres complement each other's role in their communicative functions

they perform. One cannot function without the other; to achieve the purpose of one, the other must be used in juxtaposition, hence their ability to be used for a comparative study. This investigation has been insightful to be carried out to find out linguistic elements in the two genres and their rhetorical functions.

REFERENCES

1. Adika, G. S. K. (2014). Swales' Cars Model and the Metaphor of Research Space: An illustration with an African Journal of the Humanities. *Legon Journal of the Humanities*, 25(2014), 58-75.
2. Brożek, B. (2020). *The legal mind: a new introduction to legal epistemology*. Cambridge University Press.
3. Coppedge, M., Gerring, J., Knutsen, C. H., Lindberg, S. I., Teorell, J., Marquardt, K. L., ... & Wilson, S. L. (2024). V-Dem Methodology v14. V-dem working paper forthcoming
4. Creswell, J. W. (2003). *Research Design: Qualitative, Quantitative and Mixed Methods*
5. ElSerty, L. (2024). Kim, J., Greiner, M., & Zhu, E. (2024). Instantaneous audience responses: an organizational genre theory perspective. *Management Decision*, 62(6), 1831-1860.
6. ElSerty, L. (2024). Genre Analysis of the Abstracts of EAP and AAP Journal Articles: A Comparative Study with Pedagogical Implications. *Journal of Academic Perspectives Volume*, (1), 22.
7. Francioni, B., & Martín, O. M. (2024). International market, network, and opportunity selection: A systematic review of empirical research, integrative framework, and comprehensive research agenda. *Journal of International Management*, 101174.
8. Guha, N., Nyarko, J., Ho, D., Ré, C., Chilton, A., Chohlas-Wood, A., ... & Li, Z. (2024). Legalbench: A collaboratively built benchmark for measuring legal reasoning in large language models. *Advances in Neural Information Processing Systems*, 36
9. Hempfer, K. W. (2024). Genre. In *Fundamentals of Literary Theory* (pp. 235-281). Cham: Springer International Publishing.
10. Jean, J. (2023). Theoretical and Conceptual Framework. In *Battles for Memory and Justice in Chile: Struggles for Remembrance, Legitimacy and Accountability* (pp. 21-47). Cham: Springer International Publishing.
11. Mullett, M. (2023). The madness of genre. In *Letters, Literacy and Literature in Byzantium* (pp. IX_233-IX_243). Routledge.
12. Olejniczak, T., & Pikos, A. (2024). The evolution of genre: Systematic review of Polish corporate histories. *Business History*, 66(5), 1284-1307.
13. Rahner, K. (2023). *The need and the blessing of prayer*. Liturgical Press
14. SAVCHUK, V. (2024). The Dimension of Presidential Discourse: Genre and Linguo-Rhetoric Aspect. *Theoretical and didactic philology*, (37), 170-182.
15. Stewart, M. (2023). Australia. In *The Forum of Federations Handbook of Fiscal Federalism* (pp. 1-58). Cham: Springer International Publishing.
16. Taylor & Conklin, W. E. (2024). *The phenomenology of modern legal discourse: The juridical production and the disclosure of suffering*. Taylor & Francis.
17. Tobia, K. (2024). Legal concepts and legal expertise. *Synthese*, 203(4), 107.
18. Xia, S. A. (2020). Genre analysis in the digital era: Developments and challenges. *ESP Today*, 8(1), 141-159.
19. Xu, L., Zhang, J., Li, B., Wang, J., Cai, M., Zhao, W. X., & Wen, J. R. (2024). Prompting large language models for recommender systems: A comprehensive framework and empirical analysis. arXiv preprint arXiv:2401.04997.

20. Yadav, S. P., Zaidi, S., Nascimento, C. D. S., de Albuquerque, V. H. C., & Chauhan, S. S. (2024). Analysis and Design of automatically generating for GPS Based Moving Object Tracking System. In 2023 International Conference on Artificial Intelligence and Smart Communication (AISC) (pp. 1-5). IEEE.