

Designing a Content-based Unit Following Contrastive Rhetoric Analysis to Foster Law Students' Legal Academic Writing Competence



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Abstract

The paper sought to achieve two aims. First, to identify the most problematic structural and cultural patterns that could challenge Algerian law students, particularly in achieving competency in English legal academic writing. Second, to develop a content-based unit designed to foster students' legal academic writing competence through integrating language and content specific to legal studies, namely international property law. To achieve the first aim, a corpus-based analysis of legal articles, book chapters and study materials in Arabic and English pertaining to the chosen area was carried out following the principles of contrastive rhetoric. The analysis employed LancsBox software alongside qualitative efforts. The findings revealed major structural and cultural patterns that may cause difficulty to law students when producing English legal writing: syllogism, reading culture, collocations, passive voice, and text structures. To fulfil the second aim, the paper proposed a teaching unit following the principles of Content-based Instruction (CBI).

Keywords

Contrastive Rhetoric;
Content-based Instruction;
International Property Law;
Legal Academic Writing.

الكلمات المفتاحية

البلاغة المقارنة؛
التعليم القائم على المحتوى؛
قانون الملكية الدولية؛
الكتابة الأكاديمية القانونية.

تصميم وحدة مبنية على المحتوى وفقا لتحليل البلاغة التباينية لتعزيز كفاءة الكتابة الأكاديمية القانونية لدى طلاب الحقوق ملخص

سعى البحث لتحقيق هدفين رئيسيين. الأول هو تحديد الأنماط النحوية والثقافية الأكثر تحديًا لطلاب القانون الجزائريين في تحقيق الكفاءة في الكتابة الأكاديمية القانونية باللغة الإنجليزية. الثاني هو تطوير وحدة تعليمية قائمة على المحتوى تهدف إلى تعزيز كفاءة الكتابة الأكاديمية القانونية للطلاب من خلال دمج اللغة والمحتوى المتعلقين بموضوع هام في الدراسات القانونية، وهو قانون الملكية الدولية. لتحقيق الهدف الأول، تم إجراء تحليل بلاغي تبايني يعتمد على النصوص لدراسة المقالات القانونية، وفصول الكتب، ومواد الدراسة باللغتين العربية والإنجليزية. استخدم التحليل برنامج LancsBox بالإضافة إلى الجهود النوعية مبنية على البلاغة المقارنة. كشفت النتائج عن الأنماط النحوية والثقافية التي قد تسبب صعوبة للطلاب الجزائريين عند كتابة النصوص القانونية باللغة الإنجليزية: القياس المنطقي، ثقافة القراءة، التراكم اللغوي، المبنى للمجهول، وهياكل النصوص. لتحقيق الهدف الثاني، اقترح البحث وحدة تعليمية تتبع مبادئ التدريس المبني على المحتوى.

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I- Introduction

The advent of English as a lingua franca in the modern world has accentuated the need to master English and utilize it appropriately in specific contexts—and legal writing is no exception. In the Algerian context of higher education, the field of law has always been taught in modern standard Arabic (MSA) due to the reality of the Algerian juridical system, which operates using MSA. However, the Algerian ministry of higher education has recently embarked on a new policy aiming the integration of English as a medium of instruction (EMI) in all disciplines including legal studies (Messeded, 2023). Following this new policy, English legal academic writing has become a fundamental skill that Algerian law students are expected to develop to be able to access to and participate in the international legal discourse community. Yet, when it comes to learning to write legal English the proponents of contrastive rhetoric (CR) argue that the cultural patterns of the first language's (L1) are susceptible to cause non-native users enormous difficulty when producing the second language (L2) rhetoric (Kaplan, 1966; Connor, 1996, 2002, 2011).

In tandem with the adoption of EMI, the Algerian ministry of higher education has also launched initiatives aiming at involving universities in the process of the creation of start-ups. This process is, nevertheless, susceptible to result in a drastic increase in litigations over patents and trademarks especially at the international level in an increasingly interconnected and competitive world. Hence, there is an urgent need to foster law students' competence in legal writing competence in IP law to prepare them to respond effectively to the future challenges in this domain.

Although the identification of the potentially problematic areas of IP law writing can be performed using CR, this identification is necessary, but not enough. Developing law students' writing competency in this area of legal writing requires a robust methodology geared capable of enabling learners to grasp gradually the discursive features of the target domain. In this regard, CBI, and more specifically one of its emerging models, namely SCLT are designed to allow learners to explore and develop knowledge about linguistic features in relation to a specific domain (Brinton, Snow, Wesche, 1989 & Richards, 2008). Such design may be an effective tool for developing learners' writing competence in the domain of IP law.

Based on the above, the present study attempted to answer the following research questions:

1. What are the problematic aspects of English legal academic writing for Algerian law students from the vintage-point of contrastive rhetoric?
2. How to design a unit following the principles of Content-based Instruction to address the most problematic aspects of English legal academic writing identified through the CR analysis?

The paper is divided into two parts: a theoretical and a practical part. The theoretical part provides a review of the major approaches and models related to the issue of the selection and integration of the relevant structural and cultural patterns of English IP law in the fostering of legal academic writing among Algerian law students. As for the practical part, it presents the methodology and the analysis of the corpus from English and Arabic sources using the selected software. Then, based on the results generated by this analysis, it specifies the content of a teaching unit designed following the principles of a specific CBI model and aimed at fostering law students' competency in producing the problematic features of IP legal academic writing.

I.1. Contrastive Rhetoric

The development of CR led to revolutionary changes in the field of second language writing. Its inception is traced back to Kaplan (1966), with very modest premises focusing on the structural analyses of paragraphs. Nonetheless, due to the emergence of discourse analysis (DA), which studies language beyond sentence level (McCarthy, 1992), great consideration has been devoted to the cultural patterns underlying first and second languages in writing. Particularly, the studies conducted by Connor (1996, 2002, 2011), which paved the way for the substantial role of CR. There is an increasing interest in the relationship between culture and teaching second language. Traditionally, the focus has been dedicated to teaching grammar, vocabulary and semantics, appreciatively, the rise of awareness to the communicative competence (CC) as pinpointed by the remarkable work of Dell Hymes (1967) led to considerable attention towards semiotics, pragmatics, contextual and cultural aspects. Combined with efforts from DA and CCs, CR is currently established as an approach that arose amidst a great need to develop writing among second language learners of English, however, at first, it neglected the role of culture, later on it, this very notion became a keystone in the CR approach.

The CR approach argued that every language has a specific paragraph order and various devices for organizing a text thereof it becomes requisite for the learner to master that particular system. In his article, Kaplan claimed that the teaching process of the writing skill significantly varies from native learners to second language learners. In that respect, the cultural and linguistic background of the latter can produce undesirable inconsistencies when writing compositions in English. Kaplan categorized the Anglo-American discourse as systematic, honest and logical based on deductive

reasoning. Whereas, the Semitic discourse, such as Arabic and Hebrew languages are characterized by the repetition of thought patterns and the addition of new information in a slow pace, which is based on inductive reasoning. In English for Specific Purposes (ESP) context, more specifically, in legal English, a genre known for its complex features and characteristics, it is quite possible for law students to encounter immense array of difficulties. This can be reflected in the writing process, as law students' first language can have serious implications on the quality and consistency in legal academic writing.

I. 1.1. Contrastive Rhetoric and Legal English

The legal language is technical and lamentably non-universal, each legal system has its own legal language. Thus, there are uncountable legal cultures across the globe (Le Grand, 2005). Recently, a plethora of legal writing researchers commenced to promote integrating CR onto the law education. Since legal English (LE) is a complex genre, Baldwin (2014) stated that law is an unusual language, learning its jargon and terminology is similar to acquiring a new language. In this regard, even English native speakers, extremely educated ones, would go through the same process of second language acquisition. In the latter, they learn new lexis, phonology, and writing and speaking discourse expectations that incline to differ by genre and register. This means that learning law whether in speaking or writing is extremely challenging for the natives, let alone for nonnative speakers (NNS). The problematic in learning LE for NNS is that when attempting for instance to translate some legal documents from their first language to English or vice versa, it rarely satisfies the discourse expectations of the other legal discourse community, precisely, when the concern is writing. Numerous NNS lawyers, teachers or law students, even linguistically successful ones, could possibly obtain negative feedback concerning their writing style. It could strike the English native speaker that their writing lacks discourse organization, has stilted cohesion and is missing the expected logical connectedness of legal academic writing (Baldwin, 2014). They are used to handling legal writing in a completely dissimilar way, specifically when dealing with the expectations of their native legal discourse community wherein they are more confident in their writing, undaunted with concerns, such as cohesion and coherence. This issue is the cornerstone of the CR framework. It explains it by maintaining that L1's text organization could influence L2 writing, especially when the L1 and L2 differ significantly, which is the case for the Arabic and English rhetoric in legal academic writing.

I. 2. Content-Based Instruction

CBI is a term introduced in 2001 by Richards and Rodgers to refer to a teaching approach that considers language as a channel for acquiring new knowledge. In this regard, CBI is not a teaching method thereof it does not encompass a set of activities or specific materials. Its philosophical stance advocates that teaching language and content simultaneously is an effective strategy to promote language learning and knowledge acquisition rather than sole linguistic aspects related to the target language (Brinton, Snow, Wesche, 1989 & Richards, 2008). One of the skills that CBI considers intricate is writing. Truthfully, "writing is a process of generating text as a communicative bridge between the reader and the writer" (Marashi & Zargari, 2017, p. 80). In order to do so, there has to be a subject content to abridge the connection between the writer and the audience. For that, CBI serves as the best approach for developing the skill of writing, as it encourages students to absorb materials in a thematically informed way using authentic materials conducted in a contextualized form. The selected material involves relevant data for the students, which in turn motivates them to learn the language as a consequence from the engagement with the content material (Jaelani, 2017).

I. 2.1. Sustained Content Language Teaching

CBI has miscellaneous models such as Theme-based model and Content and language Integrated Learning (CLIL). However, in this paper, the most pertinent model for the design of the unit is the Sustained Content Language Learning Model (SCLT) of CBI. The model is an updated version of the theme-based instruction. SCLT is characterized by two features, one is that it emphasizes on one single topic or theme, which will be carried out during an entire unit, second it occurs without dismissing the significance of L2 learning and teaching processes (Murphy & Stoller, 2001). In fact, the latter researchers counted numerous advantages of SCLT. They reported that the selected topics in the SCLT model are overextended over a whole semester, trimester or a whole academic year, which means that the content is presented with obvious connections to the language. Additionally, learners deeply absorb the knowledge when the content is focused on a specific topic. It does not distract them from the focal focus of the language course. Lastly, the attention is equally devoted to language and content. This means the focus on content incorporates critical thinking and metacognitive strategies, and cognitive skills whereas the focus on linguistic aspects comprises all the language skills. For that, SCLT is pertinent for the sequence of the IP-law content-based unit since it focuses on a single theme taught in one trimester rather than series of different themes as presented by the theme-based model. It makes the learning process focused and directed.

I. 3. Legal Writing Ability: An Operational Definition

Both CBI and the modern versions of CR are modern paradigms that have benefited from developments in discourse analysis and text linguistics. Consequently, both approaches departed from the traditional view that consider language to consist solely of structures and linguistics forms to consider language, in general, and written language, in particular, to

be formed of a set of culture-specific discursive patterns. While CR approaches writing from a general language perspective underlines the discipline-specific nature of academic writing. Thus, CR provides effective tools for identifying the culture-specific discursive patterns that are specific to L1's culture and that are highly likely to cause interference in learners' target language writing productions. CBI, on the other hand, offers a principled approach to the integration and sequencing of the identified features in disciplinary context that enhances the learning of the features in question. It can be safely concluded, then, that the most challenging cultural and discipline-specific discursive features of legal writing can be identified using CR and sequenced following the principles of CBI to increase law students' gains in legal writing competence.

II– Methods and Materials

The research analyzed written material from both Arabic and English sources to pinpoint the major rhetorical differences that can negatively impact the skill of legal academic writing for law students. For that, the study used quantitative measures through the adoption of a language analysis software called "LancsBox" coupled with qualitative measures by implementing the principles of the CR approach. The selected software of LancsBox is established as a new-generation corpus analysis instrument at Lancaster University, developed by William Platt (Brezina, McEnery & Wattam, 2015). In the study, the latest 4.0 version of this language analysis software was used.

II.1. Corpus Collection

The corpus of English and Arabic were gathered in the form of PDF, then converted to TXT using an online site called Online.convert.com. The latter is a viable online tool used to convert any type of writing to TXT or any preferred forms. Subsequently, the software was able to analyze the prearranged data by providing the research with great insights on experts writing in L1 and L2. When using the software, the data was loaded and imported into LancsBox by opting for the 'Corpora' tab. The latter opens automatically when you run LancsBox. In fact, there are two options for loading corpus, either by loading a personalized corpus or downloading it from the already existing corpora in the software. The research opted for the first option. Afterwards, it created the corpus based of the IP-law from two sources, Arabic and English. The process of the compilation of suitable samples, TXT conversion and then the importation to LancsBox paved the way for the research's analyses.

II. 2. Identification of the Target Population

The target population of the current paper encompasses first year Licence students who specialize in the field of law. The design of the IP-law based unit is addressed for law students in Algeria who study English as a second language. The aim is to foster their competency in legal academic writing. Their overall level in English is assumed to correspond to B1 (CEFR) level.

II.3. International Property Law as The Content-based Theme

International property law is a major branch of study in law. It has international implications and interests; hence, it is extremely relevant for law students. It is a novel and thriving field that produces, legalizes and influences persons' property rights (Sprankling, 2012). At a local context, the Algerian government is encouraging startups, entrepreneurship and business affairs, especially for the young generations of students. However, such complex and innovative endeavor to embolden local businesses necessitate concerted efforts geared towards the curricular integration and articulation of application and understanding to the layers of law and regulations governing copyrights' issues, patents and intellectual property. In fact, new aspired-for entrepreneurship environment showcases the need to protect inventive ideas and creativity as well as to combat theft, plagiarism and illegal violation by competitors from big companies (Massaoudi & Belghit, 2023). Thus, our attempt at designing an IP-law based unit aimed fostering legal academic writing could provide a model for the integration of the teaching of legal writing on IP law across Algerian university law curricula.

II.4. Corpus Design

The corpus under investigation has been selected on the basis of convenience in order to gather sufficient number of published research articles and materials concerning the IP-law. Additionally, the corpus has a variety of topics related to the IP-law branches to ascertain that all aspects have been moderately covered. The selected articles, book chapters and study materials adhere to the same theme, to select the most suitable grammar, cultural and lexical components. The materials related to IP-law and its branches in Arabic, written by Algerian law scholars were opted for analysis as well. The aim is to probe for the most problematic aspects in regard to legal academic writing for Algerian law students, which could lead to difficulties in writing.

To collect data, first author gathered Nineteen (19) research articles, book chapters and one study material in their electronic versions on the IP-law and its branches in English and Nineteen (19) in Modern Standard Arabic. The authors are experts and researchers in the field of law, specifically in the area of the IP-law. Therefore, the research focuses on expert writing. The time frame of the corpus oscillated from 1999 to 2023. The articles and book chapters range from 10 to 20 pages long without considering the list of references or bibliography. As for the study materials, the Arabic and English ones oscillate from 150 pages to 300 pages. It is important to point out that the number of pages naturally decreases after the conversion to the format of TXT, this includes all of the unnecessary information, such as footnotes.

In the Arabic corpora, it is estimated that there are 149,077 tokens. Token in this context refers to all the words, characters and sub-words found in the corpus. It is also demonstrated that there are 32,145 Types of words, including parts of speech and word classes. Lemmas refer to the various morphological forms of words. As for the English corpora, it was found that there are 332726 tokens scoring higher than the Arabic corpora. It is also reported that there are 15913 types of words, which is lesser than expected given that it holds a higher number of tokens. The research focused on text organization and sentence structures and cultural patterns.

III-Results and Discussion

The study analyzed the written discourses of legal English and Arabic legal rhetoric in the domain of IP-law. By adopting the CR approach, the study sought to uncover the most problematic aspects that result from the cultural and linguistic differences of the first language on the target language. These differences provoked by the Arabic legal writing rhetoric could negatively interfere with English legal academic writing competency for law student. The most pertinent elements will serve as the basis for the design of the unit.

III.1. Length of the Corpora

One of the differences detected between the legal writing in Arabic and English is the quantity of details included in each corpus by word count, although the research gathered similar number of articles and textbooks related to the IP law and any similar branches, the English corpus seems to comprise more tokens than the Arabic corpus (332726 tokens versus 149,077 tokens). This numerical difference proves that legal English encompasses more words than Arabic concerning the content under discussion. However, despite this quantitative indication, legal Arabic has more word types and relies more on lemmatization than legal English, Arabic scores more than 25,000 in lemmas whereas the English corpus has more than 11,000 lemmas. This indicates that Arabic uses lesser words but has greater number of lemmatized words and types than English, which explains the reason why the latter required more words. From this, it is clear that Arabic requires lesser words to describe ideas and contents than English. This is indeed due to the reality of English as a whole, it is a simple, direct and concise language. The Arabic rhetoric often beautifies the language. Due to its extravagant and rich nature, the Algerian ELP students could feel at unease and unconfident with their LE.

III.2. Syllogism

The CR approach discussed how the English rhetoric in general varies significantly from the Arabic rhetoric, for instance, English's logic and culture pattern is based on deductive reasoning, also known as the syllogism pattern whereas Arabic is inductively based. The deductive reasoning approach's validity can be exemplified as follows:

1. All X' s are Y' s
2. Z is an X
3. Therefore Z is a Y. (Baggini &Fosl, 2010, p. 14).

Notice how the first premise and the second premise do not contradict each other, rather they present series of data altogether. Then the third conception is the conclusion, which is drawn logically from the two premises. It is simple and direct. Whereas the inductive reasoning is completely different. It can generate logic from general to specific and from specific to specific or from the general to general, for instance,

1. All X's are Y's
2. Z is almost an X
3. Therefore, Z is a Y. (Baggini &Fosl, 2012, p. 14).

This is not a robust style of argumentation in legal English, this structure is considered invalid. The premise needs to follow the conclusion exactly with the utmost certainty. In a sensitive legal culture situation, this can have serious implications on how law students structure their arguments in English legal academic writing. However, this does not

denote that English legal writing is superior at any level, this is merely a thought and logic difference of different world legal cultures and each one should be respected. Yet, in a pedagogical attempt to enhance the English legal writing competency, it is imperative to consider its patterns for successful writing performance. Notice the extracted example from the introductions below from the corpus in Arabic then the one in English:

Premise (1)

وقد وقع خالف فقهي حول تحديد الطبيعة القانونية للملكية الفكرية، حيث يرى الراي الأول أن الملكية الفكرية ملكية حقيقية شأنه شأن الملكية الواردة على الأشياء المادية، وله نفس خصائص حق الملكية من استعمال واستغلال وتصرف، إلا أن هذا الراي تعرض للانتقاد من قبل الفقه الحديث، حيث تكييف الملكية الفكرية بأنه من الحقوق العينية يعني عدم الاعتراف بالحقوق المعنوية

Premise (2)

للمؤلف مادام يمارس على إبداع فكري، فهو حق غير مادي ويرى الراي الثاني، أن حق الملكية الفكرية هو حق من الحقوق الملزمة لصفة الإنسان الحقوق الشخصية بداعه وابتكاره الذهني يكونان جزءا من شخصيته ولذلك بسبب أن تفكير الانسان وانفصالنا عنها

Premise (3)

وتعرض الراي للانتقاد ألن فيه إهمال الجانب المالي الذي يتقاضاه المبدع والمخترع أي صاحب حق الملكية الفكرية. وبين الرأيين، ظهرت النظرية التوفيقية مفادها أن الملكية الفكرية حقا من نوع خاص ذو طبيعة مزدوجة إي أنها تعطي لصاحبها سلطة مباشرة على الإنتاج الفكري من استعمال واستغلال وتصرف لاسيما الحصول على عائد مادي منه، ومن جانب آخر يرتبط مالك الإنتاج الفكري شخصيا بما أبدعه فيكون له عليه حق الحماية من اعتداء الغير، وحق نسبة انتاجه الذهني إليه، وهو الشق الذي يطلق عليه الشق المعنوي

Conclusion

يتعلق بإصدار التعديل الدستوري المصادق عليه في استفتاء أول نوفمبر 2020 في الجريدة الرسمية للجمهورية الديمقراطية الشعبية والتي جاء فيها: "حرية الإبداع الفكري بما في ذلك أبعاده العلمية والفنية مضمونة يمكن تقييد هذه الحرية عند المساس بكرامة الأشخاص أو بالمصالح العليا للأمة أو القيم والثوابت الوطنية. يحمي القانون الحقوق المترتبة على الإبداع الفكري".

It is noticed that in the Arabic example commences by two premises of two opposing nature then in the conclusion, it offers an argument from the Algerian law that supports both premises. In this situation, the author does not concern himself with the articles of law and does not view them to be contextually necessary until the conclusion. Now, observe the English one:

Premise (1)

Article 15.1 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)¹ describes the property that is protected by trademarks law thus:

Any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trademark. Such signs, in particular words including personal names, letters, numerals, figurative elements and combinations of colours as well as any combination of such signs, shall be eligible for registration as trademarks. Where signs are not inherently capable of distinguishing the relevant goods or services, Members may make registrability depend on distinctiveness acquired through use. Members may require, as a condition of registration, that signs be visually perceptible.

Premise (2)

Article 16.1 of TRIPS describes the rights conferred upon the owner of a registered trademark thus:

The owner of a registered trademark shall have the exclusive right to prevent all third parties not having the owner's consent from using in the course of trade identical or similar signs for goods or services which are identical or similar to those in respect of which the trademark is registered where such use would result in a likelihood of confusion. In case of the use of an identical sign for identical goods or services, a likelihood of confusion shall be presumed. The rights described above shall not prejudice any existing prior rights, nor shall they affect the possibility of Members making rights available on the basis of use.

Conclusion

This chapter provides an introduction to trademarks, explains how trademark protection can be obtained and the conditions required for applying for a valid trademark, and explores how trademarks may be invalidated and how trademarks may be infringed.

In the English one, the presence of syllogism is evident given how the premises are composed of two solid legal arguments (regulations) then concluded on the basis of the mentioned laws what will the chapter investigates. It is a classic structure found in such highly academic legal books, as the case is presented with strong arguments (premises) that are supported by articles from the law.

III.3. Reader Responsible versus Writer Responsible Culture

Concerning the content of the texts of both corpora, it is found that the analyzed Arabic rhetoric requires prior knowledge to the information presented. Notice the example below:

وقد ظهر اهتمامهم بحماية إنتاجاتهم الفكرية من خلال نبذ الشعر المسروق وهجاءه في الأشعار وفي ذلك كتب طرفة ابن العبد
ولا أغير على الأشعار أسرقها *** عنها غنيت وشر الناس من سرقا.
وإن أحسن بيت أنت قائله *** بيت يقال إذا أنشدته صدقا.

Also, observe the following example:

أما في العصر الإسلامي فقد شكل الإنتاج الفكري بمعناه الواسع معيار التفاضل بين

الإِنْسَانُ وَالْإِنْسَانُ وَبَيْنَ أُمَّةٍ وَأُمَّةٍ أُخْرَى لِقَوْلِهِ تَعَالَى: (قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لَا يَعْلَمُونَ) سُورَةُ (الزُّمَرُ: 9)

In this situation, it is noticed that the author is quoting an ancient poem, which utilizes very complex structures and the vocabulary choice requires from the reader to search for their meaning; whether through synonymy or antonyms. More interestingly, the poem was written during the pre-Islamic era, which was around the years 86 – 60, this would necessitate from the reader to know the circumstances, the whereabouts, and conditions of its content, including how, why, and to who it is written. The reader is responsible for making sense to the text. Therefore, the use of poems in such academic context of the IP law situation is regarded difficult and challenging unless the reader makes sense of it by conducting a background search on the information presented through the text. The style in general seems narrative, as if the author is informing a story rather than directly reporting legal content to the reader.

Texts are not only a string of sentences; they are bound by cultural influences. The author relies on Quranic verses to establish further evidence to the idea made; by doing so, it reveals that legal writing in Arabic includes influences that do not normally occur in English ones. It is not academic to mention biblical texts to support arguments or claims, since the IP law in English native speaking countries is based on secularist principles. Now, notice the example below from the English corpora:

The process of evolving a trade secret takes years of experience, research and skill. The composition of Coca-Cola is a good example of trade secret for its recipe. In certain countries there are specific rules for trade secret such as Unfair Competition Prevention Act in Japan, Uniform Trade Secrets Act in the United States of America.

Table 01. Example from the English Corpora

In this example, the author takes full responsibility to explain the process of trade secret by providing a real-life brand as an example, which in this case is Coca-Cola. The reader in such situations does not require to search for any of the keywords, as they are clear and common for all audiences. Additionally, the texts are short and straightforward to the core point. Thus, it shows that indeed Arabic is a reader responsible language whereas English is writer responsible. This drift of view between the two languages could possibly trigger a problematic aspect for law students. They might assume that it is the responsibility of their audience to make sense of their texts, in English, this means that the text is ambiguous and unclear. Legal English is a language that does not split itself from the immediate context of a situation, the Arabic forms could possibly divorce law students from the English IP law's writing reality. It is the main responsibility of the writer to explain and justify to the readers, develop coherent structures supported by modern examples is a necessity in LE writing. This is such a dilemma if not dealt with in an honest attempt to enhance legal academic writing.

III.4. Collocations

In order to gather collocations from both corpora, the research used LanksBox by clicking on the “keyword” option, which then provides two options; to probe for single words or multi-word terms. The research chose the latter. Notice the table below demonstrates the collocations found, which are estimated to be more than 70,000 items. Whereas in the English corpus, there are more than 30,000 items. These are lesser than the collocations found in the Arabic corpora.

Collocations From the Arabic IP law-based corpus	Literal Translation	The Correct Form of the English Collocation
حق الملكية الفكرية	Right of intellectual property	Intellectual property right
قانون الملكية الفكرية	Law of intellectual property	International property law
حماية الممتلكات الثقافية	Protection of cultural properties	Cultural properties protection
نطاق الملكية الفكرية	Scope of intellectual property	Intellectual property scope
حق الملكية الصناعية	Right of industrial property	Industrial property law
حق المؤلف	Right of the author	Copyright
حق الملكية	Right of ownership	Property right

Table 02. Potential Issues in Accurate Translation

Additionally, it is found that that one of the problematic aspects for law students is the difference in word order between the Arabic and English corpora. Arabic repeatedly places the noun before the adjective; however, English classically places the adjective before the noun. This leads to misunderstanding and inappropriate word order in English legal academic writing. What is also intriguing, the Arabic IP law-based corpus deploys in abundance definite articles in diverse

ways compared to English. For example, "قانون الملكية الفكرية" translates to "the law of intellectual property", nonetheless, in English, it is more natural and authentic to say "intellectual property law" deprived of the definite article. There are also cases, such as in the examples of "حق الملكية" that literally translates to « right of ownership » instead of "property law" or "حق المؤلف" that translates to "right of author" instead of the correct terminology "copyright". Therefore, mastering the cultural aspect that the legal speech community adheres to is a cornerstone for constructing successful English legal academic writing by using correct and appropriate collocations. Sustaining cohesion and coherence in writing can be challenging, particularly when transitioning from Arabic to English rhetorical styles.

III.5. Passive Voice

In order to compile the grammatical patterns related to the passive form, the research opted for the smart search option found in KWIC (Keyword in Context), then clicked on the search button the following: PASSIVE. By doing, all the forms of the passive voice in the English corpus are compiled. Nonetheless, it is difficult to decipher the Arabic corpora since LancsBox does not provide an analytical overview about it, consequently, the research conducted this part manually. Initially, there has to be an identification of common linguistic forms of the passive voice in Arabic, by doing so, the research opted for "تم". The latter is chosen because it is an explicit passive voice marker, which facilitates the investigation. Then analyses at the grammatical level, specifically for the passive voice was automatically conducted using the aforementioned tool as well as a search for the English ones. The research compiled them for investigation. Notice the two examples table below:

The Passive voice in the Arabic Corpora	The Passive Voice in the English Corpora
أن هناك العديد من الاختراعات البرمجية التي تم إدراجها تحت بند الملكية الفكرية.	Intellectual property rights (IPRs) are recognized as having established the conditions necessary for search for new knowledge of economic value is rewarded.
انجزوا ما مقداره 3907 منشور علمي تم إعدادها في إطار التعاون الدولي وتبقى الحصة.	The innovation machine in this framework is considered the engine of the economy that creates that keeps the economy in motion.

Table 03. The Passive Voice in the Arabic and English Corpora

It is found that there are more than 2000 occurrences of passive voice in English whereas Arabic has more than 120 occurrences of "تم". However, this result does not represent the whole corpus since the inflectional active verbs were not considered. Therefore, to ascertain impartial contrastive rhetorical analysis, the research compiled the twenty most used words using LancsBox then specifically selected the verbs and probe for whether they are in the active or the passive voice. The verbs that were found are: "يمكن", "يكون", "كان", "كانت", "تكون", "يتم", "نقل", "تحقيق", "يتعلق", "يجب", "تعتبر", "ظل", "وضع", "نصت", "تطبيق", "يعتبر", "تنص", "نجد", "تسجيل", "دفع". In the following, these words are organized based on their vowel movement to determine whether they are in the active or passive voice:

- **Active voice verbs:** يمكن, يكون, تطبيق, يعتبر, كان, نجد, ظل, يجب, تكون, نصت, دفع
- **Passive voice verbs:** يتم, نقل, تحقيق, يتعلق, تعتبر, وضع, تسجيل, تنص, نصت, دفع

Based on the twenty most occurring verbs, the passive and active voices are equally present in the Arabic corpora, therefore, it is more likely that it is used moderately. Looking back at the word count of English versus the Arabic corpus, however, would suggest along with the aforementioned finding that English IP-law corpora rely on the passive voice more than the Arabic one. Yet, it is clear that the passive voice is equally important in legal writing of both languages. What is fundamentally significant and could cause dilemma for the law students is the varying difference in how the passive is utilized and prioritized. It is commonly recognized that the active voice is simpler than the passive voice, hence, learning and acquiring its correct linguistic form and function is vital. The passive voice in Arabic is based on the vowel movement of the verb, this cannot be the same in the English legal writing, as a result, this is one more problematic aspect for law students to consider.

III. 6. Text Structures

The table below displays the Arabic and English corpora for contrastive rhetoric analysis, initially, the research bestows the attention to the beginning of sentences. Observe the following table that showcase examples extracted from the software:

Therefore, the 1970 convention, used in conjunction with international pressure from the cultural property community, would likely increase greatly the chances of China banning its domestic ivory trade.	تتعهد كل دولة من الدول المتعاقدة بان تتخذ كل التدابير اللازمة لضمان حماية كافية وفعالة لحقوق المؤلفين وغيرهم من أصحاب الحقوق الأدبية والعلمية والفنية بما في ذلك المواد المكتوبة والاعمال الموسيقية والمسرحية والسينمائية واعمال التصوير والنقش والنحت.
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Table 04. Examples Demonstrating the Structure of Sentences from the Corpora

It is found that the Arabic corpora has prioritized verbal sentences wherein it commences statements with verbs. This can be observed in many more examples found using Lanksbox. In the English corpora, it is rarely found, except in some rare cases. However, this type of word is referred to as gerund; it occurs when a verb functions as a noun and occasionally appears at the beginning of a phrase or clause. Additionally, the linguistic and cultural uses of verb forms in the English legal context (even so in GE) forbids the use of verbs at the very beginning due to the nature of the SVO agreement that characterizes the English rhetorical logic and serves its pragmatic meaning. This excludes the imperative form, which its use demands a verb to initiate a command. The English sentences commence by conjunctive adverbs in the likes of: while, unfortunately, and therefore. The latter plays a major role in connecting ideas together. This means Arabic commences directly with the action verb as found in numerous cases whereas English starts with an attempt to connect the idea, for instance, by deploying conjunctions, subsequently, it presents its verb followed by the object. Overall, the variation in text structures shows that English legal writing leans towards the IRAC model ((Issue, Rule, Application, Conclusion) whereas the Arabic does not necessarily perform so. This is a great addition to the design of the unit.

III- Results and discussion

The corpus-based contrastive rhetoric analyses of the research articles, book chapters and study materials revealed the structural and cultural differences found in Arabic legal writing from English legal writing. Arabic legal writing seems to utilize long sentences to explain information, which is reflected in the length of the word types in the corpora, this could lead to the repetition of ideas and grammatical structures. This is considered inconsistent in the English legal rhetoric. Additionally, the arguments organization appear to differ in Arabic, as it leans towards the inductive approach wherein the structuring and the presentation of legal arguments does not follow the English legal rhetoric, law students could face difficulties in the maintenance of coherent texts. Furthermore, Arabic is a reader responsible language wherein it detached itself from explaining every element mentioned in texts, it is not the same in the English legal rhetoric. Law students' writing could seem chaotic and alien to the English speech community if the content and elements of the text are not clearly explained. Another problematic aspect found is that Arabic utilizes an abundant number of collocations in a very different way from English, especially at the level of word and phrase order. As for the grammatical structures, such as the passive voice, areas of potential difficulties could arise due to the fact that Arabic seems to rely on vowel movement and does not always have explicit passive voice markers. Correspondingly, the text structure varies significantly, in Arabic for instance, it is acceptable to commence a sentence with a verb, this could misguide law students to assume to do so in English legal writing as well. The results served as the guideline for the design of a SCLT of CBI based unit that focuses on the theme of the IP-law. In addition, the reading material is based on the articles and book chapters that were used in the corpus. The unit is to be taught during three months duration. Each month focuses on a different IP-law sub-theme. The following table displays the planning of the first month:

The IP Law Unit Lessons	Language Skill (s) and Competency	The Objective (s)	Academic Strategy	Reading Material
First Week: Introductory session to the IP-law	Speaking and Listening skills	Introducing the students to foreign words (Latin, French) and their meaning.	Targeting vocabulary learning by the identification of legal foreign and archaic terms.	No reading material selected for the first session.
Second One: Cultural Property and Patents	Reading and writing skills.	Understanding the concept of Cultural property and patents. To write collocations that focus on cultural property law and patents.	Targeting vocabulary learning by the identification of words and their appropriate definitions.	"Poaching Cultural Property: Invoking Cultural Property Law to Protect Elephants".
Third Week: Land ownership in international property law	Reading, writing and grammar learning	Understanding the concept of land ownership and its importance in the IP-law.	Targeting vocabulary learning by reading from the selected material and extracting specific words/phrases.	"Land Ownership Act as a Basis for Legal Status Regulation of Real Estate Located in Rural Areas"
Project	Project Title: Palestinian and Israeli conflict on heritage and cultural property law: Al Quds as a case study.			

Table 05. The First Month Planning for the IP-law based Unit

The first month is dedicated for the IP-law and related interesting topics, such as land ownership and cultural property wherein they read and learn about them; they serve as the main content basis for developing their academic legal English. It is worthwhile for the law students to learn imperative vocabulary and legal related terminology translated through: foreign words, archaic adverbs, prepositions, etc. It benefits the law students to practically inform their lexis background and enable them to describe the subject matters understudy correctly. Table 06 continues on the same line of planning and sequencing by paving the way for the teaching of grammar after establishing great start with vocabulary learning:

The IP Law Unit Lessons	Language Skill (s) and Competency	The Objective (s)	Academic Strategy	Reading Material
Fifth week: Intellectual Property Law and Patents	Writing, Reading	Understanding the intersection between intellectual property and patents. Learning the present simple and different types of sentences.	Targeting grammar learning by correcting verbs to present simple.	“Introduction to the international intellectual property legal framework”
Sixth week: IP and Copyrights	Writing and grammar	To grasp the meaning and significance of copyrights. To be introduced to the performative verbs.	Targeting grammar learning by differentiating between action and performative verbs.	“Intellectual Property and Patents: Knowledge Creation and Diffusion”
Seventh week: Embezzlement and fraud in the IP law	Reading, Listening and Writing	To understand key terms in the IP law, such as embezzlement and fraud. To differentiate between the two concepts. To learn the passive voice.	Listen to passages, write main ideas and keywords Change active sentences to passive voice	“Power, Norms and International Property Law”
Project	Project Title: Copyright issues between Algerian and Moroccan singers: Case of Cheb Hasni			

Table 06. The Second Month Planning of the IP-law based Unit

In the second month, the lessons become progressively fixated on grammar structures, such as the passive voice. Due to the latter's imperious role in legal academic writing, it is a necessity to include in the lessons. Therefore, it is highly recommended to ask the students to use the passive voice when submitting the written format of their oral presentation concerning the copyrights issues. The last month is an attempt to go beyond sentence structures by attributing the focus towards the most salient cultural patterns as a consequence from the findings of the corpus-based analysis. Notice the following table:

The IP Law Unit Lessons	Language Skill (s) and Competency	The Objective (s)	Academic Strategy	Reading Material
Ninth Week: The Safeguard of Indigenous persons in international property law	Legal Academic Writing and translation	To learn about the safeguard and security of indigenous people in the IP-law. To summarize content in a specific academic manner that utilizes proper legal English.	Translation from Arabic to English and English to Arabic.	“Indigenous Rights in International Law over the last ten years”
Tenth Week: Indigenous people's rights in international	Reading and legal Academic Writing	To learn about the rights of indigenous people in the IP-law during the last ten years.	Reading selected passages and then identify the two premises and conclusion (deductive reasoning).	“Indigenous Rights in International Law over the last ten years”

property law in the last century		To practice the syllogism structure and correct translation.		
Eleventh Week: Indigenous peoples and mining	Academic Writing	To grasp the depth of mining in the indigenous peoples struggle in light of the IP-law. To help the students direct the text's tone towards a writer responsible direction.	Writing short essays summarizing the key points (From a selected passage from the article) using the IRAC model.	"Indigenous peoples, mining and international law".
Project	Project Title: The American Government versus Native Americans Conflict: Case Example of Cherokee Tribe			

Table 07. The Third Month Planning of the IP-law Based Unit

The third month of the IP-law unit is devoted to the cultural norms and expectations. Thus, by using correct legal syllogism, focus on writer responsible direction, and translation, the law students are expected to have little issues with these matters.

Text organization, appropriate use of cultural patterns and correct grammar are a great wedge considered in the teaching process by focusing on delivering relevant content for law student. In nutshell, the unit introduced and clarified the influence of foreign languages on the legal English language, the second part focuses on complex grammatical structures, such as the passive voice, the last part moves beyond the structural patterns to the most significant cultural patterns. Thus, the IP-law based unit smoothly interchanges the flow of the teaching aspects and material, by including the most applicable obtained data from the corpus analysis. It relies on different lessons derived and inspired from the selected IP-law material of the ones used in corpus analysis (Articles, book chapters, and study materials) to serve as the main content to be utilized as a vehicle to deliver second language writing education.

The end of month projects reflect the content taught during the sessions, thus, they serve as an assessment procedure to observe the extent of success or failure of the application of the unit in real-life teaching. In fact, there are twofold specific objectives for the end of month projects. The first objective is to assess their writing competency and observe their errors in order to provide immediate correction. The second objective is to showcase real-life based case studies to ensure contextualized learning. Using authentic materials in the teaching process transmits the law students' theoretical knowledge to practical understanding. Overall, the unit designed in the paper corresponds accordingly with the CBI and CR principals. As learning language depends on learning vital content to the student, in this case, the teacher ascertains that the law students acquire both knowledge on the topic and the target language's cultural and structural patterns and skill.

IV- Conclusion

The analysis of research articles, book chapters, and study materials in Arabic and English using LanksBox allowed the identification of the most problematic aspects of English legal academic writing for Algerian law students as far as the domain of IP law is concerned. Based on these findings, the paper proposed a model content-based unit focusing on International Property Law as a theme. The proposed unit may foster law students 'legal writing competence in the chosen domain. Needless to say, that the proposed solution should be tested in empirical conditions to gauge its real effects on the discipline-specific writing competence of the target audience.

- Appendices

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