

THE INCORPORATION OF HISTORICAL AND CULTURAL ASPECTS INTO TEACHING OF ENGLISH TO STUDENTS OF LAW SCHOOLS

Mitříková B.

*Department of Romance Studies and Classical Philology
Faculty of Arts of UPJŠ in Košice (Slovakia)*

As a member of the European Union, the Slovak republic aspires to follow its language policy and support the teaching of languages at all levels of study. It is needless to emphasise that in such a small country like Slovakia, a successful graduate should master at least one foreign language. More motivated students study two (or more) foreign languages and at a later stage of their life they attempt to obtain language proficiency certificates, pass specialised language examinations and pursue their studies in foreign countries. Fortunately, the development in the field of language teaching has in the last decades witnessed essential changes which contributed to the present state of affairs, when language is no longer seen as an appendix, but as an indispensable part of undergraduate studies.

In respect of non-philological faculties, when enrolled to a language course a student is presumed to have certain level of competence in a foreign language, because the language instruction focuses on teaching specialized language rather than general language. Specialized language or language for specific purposes (LSP) denotes the applied linguistic discipline which concentrates on the language used in a specific field (language of medicine, language of natural sciences, language of law, language of banking etc.) The study of such language aims to satisfy the needs of students and may be roughly subsumed as a) to learn the specialised terminology of the field, b) to read technical literature in a foreign language, c) to communicate with partners in foreign countries, d) to identify syntactic and stylistic features and genres of the field, e) to develop translation skills, f) to prepare to get actively engaged in academic environment. So what the learners really need is to achieve communicative competence, which means not only to master the language, but to be able to communicate in various social and cultural settings. To do this, the teaching may be realised by employing one of the variety of methods ranging from obsolete grammar-translation method, which for the learners of language

"...meant a tedious experience of memorizing endless lists of unusable grammar rules and vocabulary and attempting to produce endless translations of stilted or literary prose" [Richards and Rodgers 2001:6]

through Direct method, Natural method, Total Physical response, Audio-lingual method, Situational method to the Method of communicative language learning (in 1980s).

"In the 1990s, Content-Based Instruction and Task-Based Language Teaching emerged as new approaches to language teaching, as did movements such as Competency-Based Instruction that focus on the outcomes of learning rather than methods of teaching." [Richards and Rodgers 2001:15].

In connection with the language for specific purposes, the Content-Based Instruction (CBI) plays a significant role since it, as stated by Stryker and Leaver [1997: 5], integrates language and content in such a way that language is not studied in isolation but via the subject-matter. The CBI clearly demarked the new tendency in teaching language for specific purposes. It not only encouraged students to pursue their language studies outside the lesson, provided for the development of both receptive skills (reading, listening) and productive skills (writing, speaking); it became more motivating and interesting for the learners, it enhanced their cross-cultural knowledge and what is more, it enabled the language teachers to design the course according to the needs, interests and level of proficiency of students. Or as Oxford puts it, it allows the learners to

"... practice all the language skills in a highly integrated, communicative fashion while learning content such as science, mathematics, and social studies. Content-based language instruction is valuable at all levels of proficiency, but the nature of the content might differ by proficiency level. For beginners, the content often involves basic social and interpersonal communication skills, but past the beginning level, the content can become increasingly academic and complex." [Oxford 2001]

In this connection it is important to mention that criticism arose concerning the fact to what extent the language teaching should be language-based or content-based. The proponents of the former approach contend that a language teacher has no necessary training to teach the subject, on the contrary, the views of the second stream see content as the inevitable part of the teaching of language for specific purposes. Since professional training and language training are conducted concurrently, this controversy may be resolved, when language specialists and technical specialists are brought together to cooperate in order to achieve better understanding and correct usage of specialised language and its terminology. Accordingly, as cited in literature Content-Based instruction may be implemented by three different models [Oxford 2001, Stryker and Leaver 1997: 3-4, Davies 2003]:

- 1/ *Adjunct model* – language training and content teaching are separate;
- 2/ *Sheltered (content) model* – content is taught in simplified language;
- 3/ *Theme-based model* – language skills are included in the study of a particular theme/topic

Apart from the above mentioned, Stryker and Leaver [1997: 3-4] mention *Area-studies module*, *Discipline-based instruction*, *LSP (Language for specific purposes)*, and *FLAC (Foreign language across the curriculum)*. Taking various aspects into account (e.g. learners' needs, age, level of proficiency) choosing the appropriate model is only a matter of discretion. Let's now move to the core of this article and map the situation in teaching Legal English in respect of models, methods, course design, available literature and related issues.

Teaching English for specific (legal) purposes has recently gained much popularity and numerous books have been published on the topic. These are either books which predominantly focus on the legal system (where the learners are expected to have a good command of the English language), and their serious drawback rests in

their exclusive content-based approach, whereas the language training is (almost completely) neglected. Secondly, there exist books on legal writing which describe the grammar and style of legal language and are designed for students with high (advanced) proficiency in the English language and who are required to have background knowledge of the legal tradition of the language they are trying to draft in. Thirdly, books on legal language (monolingual) which are dedicated to English or American legal systems exclusively and finally, legal language textbooks which are designed for L2 learners wishing to be trained in Legal English.

The selection of the suitable textbook or course material must be in compliance with certain factors. In the first place, the learners; and what they seek is the ability to understand, read, and communicate in legal English, to prepare for various exchange programmes due to the increasing interest in student mobility, to develop presentation skills and legal skills in a foreign language or to improve their language skills because they aspire to work for companies abroad. Secondly, their abilities; when L2 learners access legal English for the first time, they are not familiar with any legal institutes and their command of English may range on the proficiency span from false beginner to upper-intermediate or advanced. Thirdly, the duration (number of lessons) also plays a crucial role, because short-term courses are scarcely sufficient to provide such training in Legal English, which after successful completion would enable the learners to tackle complex legal issues. Naturally, the last two categories of books fit the objectives of the course for the learners at law schools in Slovakia, since they provide insight into the legal system of the target language (English) and subsequently encourage the learners to make comparisons with their own legal system. The authors of these books (e.g. Russell, F. and Locke, Ch.: *English Law and Language* (category 3) or Chromá M.: *New Introduction to Legal English* - category 4) employ content-based instruction, concretely the theme-based model, where respective units are structured around one basic theme and the language content is arranged accordingly.

At the beginning, the study of legal language is very demanding; it involves memorizing a lot of new vocabulary, getting acquainted with the fundamental legal concepts, lots of reading and comprehension check activities all aiming to familiarize with essential features of legal language and style. Sooner or later, however, the learner will attempt to translate legal concepts from one language into another, where he would have to take the first fences. The language of the law in England (USA) and Slovakia is grounded on different socio-political tradition, custom, cultural values and historical development. These factors contribute to the non-translatability of certain institutes, i.e. to the fact that certain legal concepts have no corresponding translation equivalents in the target language. The learner must also be alert, because the language of law is by contrast to exact sciences, very ambiguous and context and interpretation-dependent and thus lawyers are required to develop their logical, analytical and legal skills.

From the commencement of studies, a strong emphasis is placed on the development of legal skills, which encompass legal research, i.e. the ability to find the law and legal writing, i.e. the ability to draft legal documents. Secondly, logical and analytical skills are essential, because a future successful lawyer should be able to solve

complex cases, to make sound decisions, or in other words, to be able to apply and interpret the law. The ability to retrieve legal information presupposes that the learner knows where to find them, where to look for the sources and that he is aware of the way the legal system operates. Since the source and target language legal systems are based upon different principles, precise understanding of legal institutes is underpinned by detailed study of the historical and cultural development of the target language (in our case English). The Common law (or Anglo-American) legal tradition may be traced back as early as the Norman Conquest, the key date in the British history, which played a significant role in the shaping of the legal system (creation of *sui generis* legal system with Curia Regis and strong central administration [Rivlin 2004: 22]), it left imprints on the legal language and that is why there are so many French legal words in everyday use. As an example, on www.etymonline.com we traced the term '*plaintiff*' and it was discovered that it dates back to 1278 Old French *plaintif* meaning 'complaining' and in current legal sense it denotes a party instigating a lawsuit. Despite the fact that present-day legal English uses the term *claimant* instead, the former French counterpart may still be encountered in valid pre-1998 legislation, when it was substituted for the sake of clarity and simplicity. The Anglo-American (Common law) tradition is spread in the USA and the UK; plus (past and present) members of the British Commonwealth of Nations, which in the course of time were also influenced by the elements of other legal traditions (e.g. Islamic law). The system denoted as unwritten law is based on case law (precedents) created by judges, however, the number of statutes has been increasing rapidly. On the other hand, the legal system in Slovakia is a part of Civil (Continental) legal tradition (i.e. arising from the Roman law) and is denoted as codified (written) law, because law is embodied in a consistent way according to the subject-matter into a collection (usually termed a 'code'). Thus the word 'code' pertains exclusively to civil law tradition and if employed in common law, it would be considered a misnomer; the words Act of Parliament or statute are preferred to designate a legislative enactment passed by the Parliament. As evident from the above mentioned, the terminological intricacies and discrepancies may only be overcome, if language teaching integrates language and content, i.e. in case of law – if it highlights the differences between the legal traditions, which can be seen not only in the sources of law, types of procedure, but also in the position of judges who under common law not only apply and interpret the law (as the civil law judges do), but also create law via precedents. Moreover, historical and cultural aspects must be embraced in language teaching, because only then the learner may fully appreciate and understand what such archaic and obsolete expressions like '*Oyez, Oyez, Oyez*' (see www.oyez.org/media/oyezoyezoyez) to open the U.S. Supreme Court session mean.

Literature

1. DAVIES, S. Content Based Instruction in EFL Contexts. The internet TESL Journal, Vol. IX, No. 2, February 2003, <http://iteslj.org/Articles/Davies-CBI.html>. Retrieved 15th May 2010.
2. CHROMÁ M. New Introduction to Legal English. Praha: Karolinum. 2003. Volume I. 562 pp. ISBN 80-246-0720-4 and volume II. 554 pp. ISBN 80-246-0738-7.
3. OXFORD, R. Integrated skills in the ESL/EFL Classroom, ERIC Educational Resources Information Centre - Digest, <http://www.ericdigests.org/2002-2/esl.htm> which is the shortened version of the article in "ESL Magazine," Vol. 6, No. 1, January/February 2001. Retrieved 15th May 2010.
4. RICHARDS, Jack. C. and RODGERS, Theodore, S. Approaches and methods in language teaching. Cambridge: CUP. 2001. ISBN 978-0-521-00843-3.
5. RIVLIN, G. Understanding the Law. Oxford: OUP. 2004.- 346 pp. ISBN 0-19-927023-6.
6. RUSSELL, F. and LOCKE, Ch. English Law and Language. Hemstead: Prentice Hall. 1992. ISBN 0-13-280454-9.
7. STRYKER, Stephen. B. and LEAVER, Betty. L. Content-based instruction in foreign language education. Models and methods. Washington D.C.: Georgetown University Press. 1997.- 300 pp. ISBN 0-87840-659-X.
8. www.etymonline.com. Retrieved 15th May 2010.
9. www.oyez.org/media/oyezoyezoyez. Retrieved 15th May 2010.

Summary

The present article depicts the present-day situation in the teaching of language for specific purposes with special emphasis on Legal English. Having outlined the teaching methodology at non-philological faculties in general, the advantages and disadvantages of CBI method employment in Legal English are assessed. Finally, by comparing the legal traditions of source and target languages the author tries to defend the reasonableness of historical and cultural aspects in language teaching.