

USE OF COMPARISON ACTIVITIES TO ENHANCE CROSS-CULTURAL COMMUNICATION IN ESP (ON THE EXAMPLE OF LEGAL ENGLISH)

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Abstract

In today's globalized legal landscape, mastery of legal English is indispensable for aspiring legal professionals. International law firms and multinational corporations often require their legal teams to operate across different cultural contexts. However, more than linguistic proficiency is required. Effective communication in legal contexts also demands a keen understanding of cultural nuances and intercultural dynamics. Lawyers must navigate diverse legal systems, cultural expectations, and communication styles to serve their clients effectively.

This paper highlights the importance of incorporating comparison activities into ESP teaching methodology to promote cross-cultural perception and understanding, particularly in Armenian universities. Comparison activities are structured based on legal terms found in Vasyuchkova and others' textbooks, "English for Law Students" [11] developed for master students.

A significant challenge for law students is understanding the differences between the legal systems of various countries, which are often depicted in terminology. Comparative methods are a valuable strategy to overcome this problem.

Exploring language and culture through cross-cultural comparison enhances language proficiency and equips students with essential skills for navigating the multicultural complexities of the legal profession. Course designers should provide the students with multiple opportunities to compare the legal aspects of different countries. Examples from British and American legal contexts are studied,

highlighting their cultural significance, and compare–contrast tables are offered to visualize the legal aspects of some terms across different countries.

Keywords and phrases: English for Specific Purposes (ESP), Legal English (LE), comparison activities, intercultural communication, cross–cultural comparison.

ПРИМЕНЕНИЕ СРАВНИТЕЛЬНЫХ УПРАЖНЕНИЙ ДЛЯ РАЗВИТИЯ МЕЖКУЛЬТУРНОЙ КОММУНИКАЦИИ В ОБУЧЕНИИ АНГЛИЙСКОМУ ЯЗЫКУ ДЛЯ СПЕЦИАЛЬНЫХ ЦЕЛЕЙ (НА ПРИМЕРЕ ЮРИДИЧЕСКОГО АНГЛИЙСКОГО)

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Аннотация

Сегодня в условиях глобализации правового мира, владение английским языком является неременным условием для будущих юристов. Международные юридические фирмы и многонациональные корпорации часто требуют, чтобы их юридические команды действовали в различных культурных контекстах. Однако здесь необходимо не только владение языком. Эффективная коммуникация в юридическом контексте также требует глубокого понимания культурных нюансов и межкультурной динамики. Юристы должны ориентироваться в различных правовых системах, культурных ожиданиях и стилях общения, чтобы эффективно обслуживать своих клиентов.

В данной статье подчеркивается важность введения заданий на сравнение в методику преподавания английского для специальных целей, чтобы способствовать межкультурному восприятию и пониманию, в частности, в армянских университетах. Задания на сравнение были разработаны на основе юридических терминов, встречающихся в учебнике Васючковой и других «Английский язык для студентов–юристов» [11], предназначенном для студентов магистратуры.

Значительной проблемой для студентов–юристов является понимание

различий между правовыми системами разных стран, которые часто отображаются в терминологии. Сравнительные методы являются ценной стратегией для преодоления этой проблемы.

Изучение языка и культуры посредством межкультурного сравнения улучшает знания языков и способствует приобретению студентами необходимых навыков, позволяющих ориентироваться в многокультурных сложностях юридической профессии. Составители учебного курса должны предоставить студентам множество возможностей для сравнения юридических особенностей различных стран. Для этого изучаются примеры из британского и американского правовых контекстов, подчеркивается их культурная значимость, а также предлагаются сравнительно-контрастные таблицы для визуализации правовых аспектов некоторых терминов в разных странах.

Ключевые слова и словосочетания: Английский язык для специальных целей (ESP), юридический английский (LE), деятельность по сопоставлению, межкультурная коммуникация, межкультурное сравнение.

ՀԱՄԵՄԱՏՈՒԹՅԱՆ ՎԱՐԺՈՒԹՅՈՒՆՆԵՐԻ ՕԳՏԱԳՈՐԾՈՒՄԸ ՄԻՋՄՇԱԿՈՒԹԱՅԻՆ ՀԱՂՈՐԴԱՅԱԿԱՆ ԿԱՐՈՂՈՒԹՅՈՒՆՆԵՐԻ ԶԱՐԳԱՅՄԱՆ ՀԱՄԱՐ՝ ՄԱՍՆԱԳԻՏԱԿԱՆ ՆՊԱՏԱԿՆԵՐՈՎ ԱՆԳԼԵՐԵՆ ԼԵԶԿԻ ԴԱՍԱՎԱՆԴՄԱՆ ԳՈՐԾԸՆԹԱՅՈՒՄ (ԻՐԱՎԱՔԱՆԱԿԱՆ ԱՆԳԼԵՐԵՆԻ ՕՐԻՆԱԿՈՎ)

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Համառոտագիր

Այսօրվա գլոբալացված իրավաբանական աշխարհում անգլերենի իմացությունը ապագա իրավաբանների համար անհրաժեշտություն է: Միջազգային իրավաբանական ընկերությունները և բազմազգ

կազմակերպությունները հաճախ իրենց իրավաբանների թիմերից պահանջում են աշխատել տարբեր մշակութային համատեքստերում:

Նրանցից պահանջվում է ավելին, քան լեզվի իմացությունը: Իրավական համատեքստում արդյունավետ հաղորդակցությունը պահանջում է նաև մշակութային նրբերանգների և միջմշակութային դինամիկայի խորը ըմբռնում: Իրավաբանները պետք է կարողանան իրենց ձիշտ դրսևորել տարբեր իրավական համակարգերի հետ աշխատելիս՝ հաշվի առնելով հաճախորդների մշակութային ակնկալիքներն ու հաղորդակցման ոճերը՝ նրանց արդյունավետ կերպով սպասարկելու համար:

Սույն հոդվածում ընդգծում ենք համեմատության առաջադրանքների ներդրման կարևորությունը Հայաստանի բուհերում մասնագիտական անգլերենի ուսուցման գործում՝ միջմշակութային փոխըմբռնումը խթանելու նպատակով: Համեմատության առաջադրանքները մշակվել են Վասյուշկովայի և այլոց «Անգլերեն՝ իրավաբան ուսանողների համար» [11] մագիստրատուրայի դասագրքում զետեղված իրավական տերմինների հիման վրա:

Իրավագիտության ուսանողների համար կարևոր է հասկանալ տարբեր երկրների իրավական համակարգերի միջև եղած տարբերությունները, որոնք հաճախ արտացոլվում են տերմինաբանության մեջ: Այս խնդրի հաղթահարման գործում արժեքավոր գործիքներ են համեմատության մեթոդները:

Լեզուն և մշակույթը միջմշակութային համեմատության միջոցով սովորելը նպաստում է ուսանողների լեզվական իմացության և անհրաժեշտ հմտությունների ձեռքբերմանը, ինչի շնորհիվ նրանք կարող են հաղթահարել իրավաբանի մասնագիտության բազմամշակութային բարդությունները: Ուսումնական ծրագրերում պետք է ուսանողներին ընձեռնվեն բազմաթիվ հնարավորություններ՝ համեմատելու տարբեր երկրների իրավական առանձնահատկությունները: Մենք օրինակներ ենք ուսումնասիրել բրիտանական և ամերիկյան իրավական համատեքստերից՝ ընդգծելով դրանց մշակութային նշանակությունը, և առաջարկում ենք համեմատական-հակադրական աղյուսակներ՝ տարբեր երկրներում որոշ տերմինների իրավական բնութագրերը պատկերացնելու համար:

Քանալի բառեր և բառակապակցություններ. անգլերեն մասնագիտական նպատակների համար (ESP), իրավաբանական անգլերեն (LE), համեմատական գործունեություն, միջմշակութային հաղորդակցություն, միջմշակութային համեմատություն:

Introduction

Current trends in teaching/learning a foreign language, mainly English for specific purposes (ESP), require not just the instruction of linguistic abilities like phonology, morphology, lexicology, and syntax but also “...the vital component of cultural knowledge and awareness” [1].

ESP is a specialized English teaching and learning discipline that emerged in

the 1960s. It differs from General English (GE) in its teaching methods and learning environment, focusing on the learners' specific purposes for learning English [9, p. 24]. Hutchinson and Waters define ESP as “an approach to language teaching in which all the decisions as to content and method are based on the learner's reason for learning” [6, p. 19]. At the same time, in David Crystal's words, ESP is “a course whose context is determined by the student's professional needs” [3, p. 108]. Considering all the abovementioned definitions, we can assume that ESP refers to teaching specific English content and skills to specific learners for effective communication in academic or vocational situations. Thus, students can obtain specific language abilities to apply English in their speciality.

Legal English (LE) is a language legal professionals use for contract drafting and court presentations, with unique vocabulary, collocations, and sentence structures across different legal systems. LE is a technical language; naturally, its vocabulary and terminology are particularly challenging. Typically, it is complicated for EFL students to study LE. As Inesa assumes, teachers face two main challenges when teaching LE. The first challenge is the unique vocabulary and complex sentence structures, which create significant barriers to understanding. The second challenge involves the cultural differences between the legal systems, which include essential language skills and cultural nuances that cannot be overlooked when learning LE [7, p. 17]. Another challenge the students encounter is that some LE terms do not have their analogues in the corresponding legal system. Thus, law students might need clarification to choose the exact meanings and translations provided in the dictionaries among multiple connotations [5, p. 65]. Sometimes, LE professions differ from culture to culture; for example, the terms *barristers* and *solicitors* may be difficult for Armenian students to define as there is no such distinction between legal professionals in the Armenian legal system. These are two kinds of lawyers typical to Britain, whilst in the Armenian legal context, they are both translated as “փաստաբան” irrespective of their duties. Similarly, the concept of ‘precedent’ in the UK legal system and ‘stare decisis’ in the US legal system can confuse students due to their cultural and historical differences.

While predominantly highlighting language and skills, some authors argue that in teaching LE, a comparative approach should be followed “for better understanding of the differences and similarities of the two legal systems and a correct interpretation of the legal texts” [8, p. 5476]. Although some laws and legal procedures are similar across different cultures, there are indeed words, terms and expressions with specific cultural connotations which need to be addressed in ESP lessons, e.g. legal professions and legal institutions typical to the British legal system, (*barrister, solicitor, legal executives, Lord Chancellor, Home Secretary, the Law Society, Queen's Counsel, and Inns of Court*). Similarly, there are legal terms specific to the US (e.g. *Magistrate, Justice of the Peace (JP), Magistrates' Courts, US attorneys, federal magistrate judge*). Moreover, these terms have historical and cultural backgrounds worth discussing to raise students' cultural awareness.

Comparison activities aid learners in identifying similarities and differences,

generating insights, and acquiring new knowledge by comparing two cases with a shared principle. Learners who compare cases will develop a more comprehensive problem-solving schema that focuses on the common structure of the cases rather than the surface elements. Consequently, this makes it easier to retrieve cases when encountering new cases with the same structure. [4, p. 394]

How to promote cultural understanding in ESP?

No LE textbook, even with the most useful content, is suitable for all law students. To make the course meaningful and engaging, the process of teaching ESP should not only cover legal terminology but also depict the culture, history, and traditions of different countries. Vocabulary in the legal sector can differ considerably between American and British English.

Understanding the legal professions, their roles, functions and historical frameworks is crucial for students aiming to navigate and engage with the legal systems of English-speaking countries, namely Britain and the US. As mentioned, some terms in one LE culture may or may not have a corresponding analogue in another. By examining professions side by side, students can develop a deeper understanding of the similarities and differences in legal terminology and practice across these two jurisdictions, thereby enhancing their ability to communicate effectively in a global legal environment. The example below introduces different terms that refer to the widely used term ‘lawyer’.

Britain	United States	Description
Solicitors and Barristers	Attorneys or Trial Lawyers	Lawyering in England is a divided profession. One must choose to be either a barrister, a “courtroom lawyer,” or a solicitor, an “office lawyer” [2, p.544]. The lack of an official division between attorneys allowed to engage in litigation and other attorneys within the American legal profession constitutes the major difference in the British and American legal professions. There is often an informal distinction, however. Because some substantive law areas involve a great deal of litigation, lawyers practicing in those substantive areas also consider themselves trial lawyers [2, p.552]. It is the solicitors whose offices more resemble those of the American attorney. Solicitors handle most legal matters, including providing legal advice, drafting legal documents, and representing clients in courts. Barristers, by comparison, usually do not engage in the daily routine of obtaining clients, interviewing witnesses and investigating cases. After reviewing a solicitor’s papers, referred to as “briefs,” ² barristers advise and counsel [2, p.545].

LE textbooks mainly contain texts on various legal issues in the context

of different countries, with follow-up comprehension and practice tasks on vocabulary and grammar. Our primary concern is not only the words and their corresponding translations provided in LE textbooks but also the approach and methodology used to reveal how the terms are used across different cultures and legal systems. The comparative method has been embedded in ESP courses at ISEC NAS RA. Drawing parallels between the legal systems and professionals of different countries enables the students to study how different cultures shape legal concepts and practices, thus developing their understanding of the legal term itself and its application. In our courses, students are assigned to compare legal systems, professionals, and branches of law, focusing on how similar legal concepts are interpreted and applied in different cultural contexts. As an outcome, they identify the legal concepts' contrastive features and appreciate the legal systems' diversity.

The profession of Judges has been examined to highlight their unique roles and responsibilities in different countries' legal systems. For instance, the textbook "English for Law Students" by Vasyuchkova and others [11], developed for master students, introduces two separate texts about judges in Britain and the US. The students were assigned to compare the information in those texts and apply critical thinking skills, highlighting the common features and differences between the two judicial systems. To make this task more comprehensible, we suggested that they should follow the fill-in-the-table activity. This task works best as a collaborative activity for students to read the texts, discuss and fill in the correct information into the table.

Task: Read the two texts comparing Judges in Britain and the United States and complete the table.

Aspect	Judges in Britain	Judges in the United States
Path to Judgeship	Judges are selected from barristers who have shown competence in litigation.	Judges can enter at any court level, with diverse legal backgrounds (litigators, professors, etc.).
Appointment Process	Barristers are promoted through lower trial levels to higher courts based on success.	Judges are selected through nomination, appointment, or election.
Judicial Hierarchy	A barrister enters the judiciary at the lower trial level and may be promoted.	A lawyer can become a judge at any court level (lowest to highest).
Judicial Functions	Judges apply law, interpret statutes, and may create new law when precedent is absent.	Judges decide cases independently and may handle both civil and criminal trials.
Judicial Independence	Judges are independent of Parliament and Civil Service, with judicial immunity.	Judicial independence is from executive, legislative branches, and popular influence.

Aspect	Judges in Britain	Judges in the United States
Professional vs. Lay Judges	Professional judges (paid) handle serious crimes; unpaid Magistrates handle lesser matters.	Federal magistrate judges handle preliminary matters and some trials, are appointed by the court.
Terms of Service	No specific term lengths mentioned.	Judges serve terms ranging from 4-6 years to lifetime appointments, depending on jurisdiction.
Judicial Decision-Making	Judges summarize cases for the jury and may make law through doctrine of precedent.	Magistrate judges can conduct trials and issue final judgments if parties consent.

By comparing the functions, Hierarchy, and other characteristics of judges in Britain and the US, students gain insight into how different legal traditions and cultures shape the judiciary’s role in each country.

Another task was to make a comparative analysis of the US and UK *Constitutions*, which allows for a clear comparison and understanding of the distinct legal frameworks. Learners were provided with a brief history and some significant amendments or revisions of the Constitution in each country to highlight key similarities and differences. For example, in the US Constitution as the supreme law of the United States, it is essential to mention the Declaration of Independence which laid its foundations, and the Bill of Rights and subsequent amendments, through which the rights and freedoms of citizens are outlined. As for the British Constitution, it is important to highlight it as an unmodified and evolving set of principles and laws that govern the United Kingdom, lacking a single written document. Below is a comparative table developed by students that summarizes the key differences and similarities between the US and British constitutions.

Table 1.
Comparison of the Characteristics of the US and the British Constitutions

Aspect	U.S. Constitution	British Constitution
Nature and Form	Written, codified document adopted in 1787.	Unwritten, uncodedified, consisting of statutes, common law, conventions, and authoritative texts.
Sovereignty and Authority	Based on popular sovereignty; the Constitution is the supreme law.	Based on parliamentary sovereignty; Parliament is the supreme legal authority.
Separation of Powers	Clear separation of powers with checks and balances among legislative, executive, and judicial branches.	Blended separation of powers, with the executive (Prime Minister and Cabinet) being part of the legislature (Parliament).

Aspect	U.S. Constitution	British Constitution
Judicial Review	Strong judicial review; the Supreme Court can declare laws unconstitutional.	Limited judicial review; courts can review legality but cannot overturn parliamentary laws.
Amendment Process	Formal, requiring a rigorous process involving Congress and state legislatures.	Informal, changes can be made through ordinary legislative processes, judicial rulings, or evolving conventions.
Historical Development	Result of a revolutionary process, establishing a new nation.	Evolved gradually over centuries, shaped by historical events like the Magna Carta and the Glorious Revolution.
Flexibility	Relatively rigid, with a complex amendment process.	Highly flexible, allowing for easy adaptation through legislation or convention.

This table tries to provide a clear and concise comparison, making it easy to understand the fundamental differences and similarities between the US and British constitutions. It can be used in different ways in a legal course. It can be either a supporting table for reading passages visualizing key points or a blank table that students would fill out after reading relevant information. For sure, a final task should be researching and presenting the same aspects of their own country’s Constitution.

Conclusion

In the constantly growing process of internationalization of legal systems, LE is not only about the language – it means the comprehension of certain cultural and legal peculiarities in various legal systems. This article has emphasized the need to include cross-cultural comparison activities in the ESP curriculum, especially in Armenian universities, to help students better understand the overall nature of legal terminology and the different legal systems.

Comparing the language used in LE with that in other legal documents, not only do the students understand the language used in drafting, but they also learn about the cultural and historical differences in major English-speaking legal systems, mainly the US and UK. The examples, such as the comparison of legal professions and constitutional frameworks, show how the proposed approach is beneficial in providing a broader understanding of the legal idea.

When these activities are incorporated into ESP courses, the educators facilitate the development of the skills needed to function in a multicultural legal setting while also enabling enhanced legal communication and translation skills. This approach helps law students withstand the global demands of the legal profession and appreciate cultural differences as much as jurisdictional ones.

Subsequent studies on these aspects, together with future curriculum advances, should seek to enhance these approaches to the point where law

students are proficient in the language and understand cultural differences when moving between one legal system and another.

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