

SOME ASPECTS OF LEGAL LANGUAGE RESEARCH

Teaching English for Specific Purposes (ESP) has emerged as a significant movement within the field of English language education.

In the literature, most commonly quoted definitions of ESP are those put forward by Hutchinson and Waters [1], Strevens[2] and Robinson [3].

Robinson establishes the primacy of needs analysis in defining ESP. She maintains that ESP is “normally goal-directed” and ESP courses develop from a needs analysis which “aims to specify as closely as possible what exactly it is that students have to do through the medium of English”[3, p. 3]. Besides these basic criteria, she emphasizes that ESP has certain characteristics e.g. ESP courses have a limited time period, students are adults in homogenous classes in terms of the work and specialist studies students are involved in.

The definition of Robinson is evaluated in the following manner:

Each definition has validity but also weaknesses, either in the definition or in the features described. By referring to content in the second absolute characteristic it may confirm the false impression held by many teachers that ESP is always and necessarily related directly to subject content. Robinson’s mention of ‘homogeneous classes’ as characteristic of ESP may lead to the same conclusion. [4, pp. 3–4]

From the aforementioned definitions, it can be concluded that ESP takes into consideration specific needs of the learners, identifies specific linguistic and discourse features and provides remedial courses so

that the learners can perform adequately in specific academic and occupational settings. Therefore, needs analysis and language description are important because ESP courses/materials are based on these two components.

ESP has traditionally been divided into two main areas: English for Academic Purposes (EAP) and English for Occupational Purposes (EOP). Each of these two is further divided into different areas.

Descriptions of language are often divided into a number of categories having their own specific principles, concepts, and objectives of study. In the context of ESP, a number of phases in language description can be identified.

The first of these could be register analysis.

Register analysis is a textual study aimed at determining the text type. The analysis is carried out by counting the occurrences of lexical and grammatical items in a text. This was a common way of analyzing a text in the decades of 1960s and 1970s. Over the years, the method has become increasingly sophisticated. Register can be defined as follows:

A register is a variety of language most likely to be used in a specific situation and with particular roles statuses involved. Examples might be a toast at a wedding, sports broadcast or talking to a baby. A register is marked by choices of vocabulary and of other aspects of style. [5, p. 34]

The reason why this type of analysis has been carried out is that the ESP specialists

are concerned with identifying the features of authentic language situations in which students use English. Consequently, ESP courses require teaching materials that are specific to target situations.

Register analysis approach was very much sentence-based and form-focused. It did not take into account how sentences were combined to form paragraphs and whole texts. It was realized that students' difficulties arose not only from poor knowledge of language system but also from unfamiliarity with the use of English to perform communicative acts. Therefore, another approach i.e., discourse analysis developed in the 1970s.

A definition looks at discourse analysis as:

The study of language viewed communicatively and/or of communication viewed linguistically. Any more detailed spelling out of such a definition typically involves reference to concepts of language in use, language above or beyond the sentence, language as meaning in interaction, and language in situational and cultural context. Depending on their particular convictions and affiliations—functionalism, structuralism, social interactionism, etc. – linguists will tend to emphasize one or some, rather than others in this list. [6, p.131]

The third approach is genre analysis: For Hyland [7, p. 213], genre has established itself “as a powerful way by which we could understand specialist discourses by linking textual preferences to social practices”.

The “genre approach” in EAP has taken place in different ways in different parts of the world. It has also had different underlying goals as well as focusing on different teaching situations. In Britain and the United States, for example, EAP applications have been mostly concerned with teaching international students in English-medium universities. Here, the emphasis has been on ‘demystifying’ the use of English in academic settings as well

as providing students with the language resources and skills, which will help them, gain access to English-medium academic discourse communities.

One of the main advantages of genre analysis is its ability to relate textual findings to features of the discourse community within which the genre is produced.

As an example, we will examine the correlation between register, the linguistic features typically occurring in legal genres, and those genres, if there is such a correlation. In looking for a solution, it is necessary to ask a series of fundamental questions. Is there in general a correlation between a genre and the register found in that particular genre? What may we say about the language of the genre of contracts? Is it written in the language of the law? Likewise, what may we say about the language of the genre of court judgments? Is it recognizable as part of the variety or sublanguage called ‘language of the courtroom’, or more vaguely as ‘legal language’ in contrast to the ‘language of the law’? Or, as an alternative, is the genre of court judgments written in what may be termed an academic register with the addition of certain features of the legal register (as narrowly defined above)?

Even if one accepts the limited definition of ‘register’, it should be noted that the register is not necessarily the defining feature of a particular genre of text. Let us take an example:

We may decree that it is illegal to steal, but there are countless ways of saying so. On the one hand, we have the apparently straightforward Biblical prohibition:

1. You shall not steal (Exodus)

while on the other, we have the following, from the British Theft Act of 1968:

2. A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it...

Linguistically, the two sentences have very little in common. One may argue that the use of *shall* in the Biblical sentence occurs nowadays almost exclusively in legal texts, but not outside that use (i.e. it is part of the legal register). Even that may not be true anymore; it does not even occur in the provision from the Theft Act – *is* is used instead of *shall* be. Example 1 is a clear, direct prohibition, while example 2 does not prohibit theft, but defines who is a thief by describing his (or her) actions in a conditional clause. Even the relevant article in the French penal code is more complex than the Biblical injunction, despite a generally more straightforward syntactic structure found in non-Anglo-American (or so-called continental) legislation.

Of course, features of a given register may prove problematic in the understanding of texts; vocabulary lists, specialized dictionaries and other aids should be made available so that students

are able to tackle the linguistically technical side of the texts. However, the major concern for course organizers and teachers is the treatment of the text as a discourse. This concern is even greater in light of the situation in which the LSP teacher is usually a language teacher and not a specialist in the field. Course organizers and textbook writers are well aware of this weakness in the pedagogical chain. Recently published textbooks on language of the law (e.g. Russell & Locke 1992) attempt to bridge the gap. The textbook author would claim that his or her book introduces foreign students to English law by way of carefully selected and graded texts with accompanying language exercises that relate directly to the legal problems discussed in the texts. The language then becomes a means to learn the subject matter – the elements of English law – and not an end in itself; this is surely the purpose of any LSP course.

REFERENCES

1. Hutchinson, T. and A. Waters (1987) *English for Specific Purposes: a learning- centered approach*, Cambridge: Cambridge University Press.
2. Strevens, P. (1988) ESP after twenty years: A re-appraisal. In *ESP: State of the Art*, M. Tickoo (Ed.), 1–13. Singapore: SEAM EG Regional Language Centre.
3. Robinson, P. (1991) *ESP Today: A Practitioner's Guide*, New York: Prentice Hall.
4. Robinson, S. (1973) Drafting its substance and teaching. In *Journal of Legal Education*, 25: 514–37.
5. Hopkins, A. and Dudley-Evans (1988) A genre-based investigation of the discussion sections in articles and dissertations. In *English for Specific Purposes*, 7: 113–22.
6. Spolsky, B. (1998) *Sociolinguistics*. Oxford: Oxford University Press.
7. Trappes-Lomax, H. (2004) *Discourse Analysis*. In *The Handbook of Applied Linguistics*, A. Davies and C. Elder (Eds.). Malden, MA: Blackwell Publishing.
8. Hyland, K. (2003) Book Review. Genre in the classroom: multiple perspectives. Ann M. John (Ed.). In *English for Specific Purposes*, 22: 213–219.

ԻՐԱՎԱԳԻՏԱԿԱՆ ԵՆԹԱԼԵԶԿԻ ՀԵՏԱԶՈՏՄԱՆ ՈՐՈՇ ԴՐՈՒՅԹՆԵՐԻ ՇՈՒՐՋ

ԱՐՈՒՍՅԱԿ ՀԱՐՈՒԹՅՈՒՆՅԱՆ

*ՀՀ Գիտությունների ազգային ակադեմիայի
Գիտակրթական միջազգային կենտրոնի
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Հոդվածում քննարկվում է իրավագիտական ենթալեզվի դասակարգումը, «ռեգիստր, խոսույթ և ժանր» եզրույթների կիրառման վերլուծությունը և պարզաբանում է իրավագիտական ենթալեզվի որոշ հիմնահարցեր: Հատուկ ուշադրություն է դարձրվում իրավագիտական ենթալեզվի նկարագրությանը առնչվող գրականության ուսումնասիրմանը:

**НЕКОТОРЫЕ АСПЕКТЫ ИССЛЕДОВАНИЯ ЮРИДИЧЕСКОГО АНГЛИЙСКОГО
ЯЗЫКА**

АРУТЮНЯН АРУСЯК

*Заведующая отделом по внешним делам Международного
научно-образовательного центра НАН РА*

В данной статье обсуждается классификация юридического английского языка, анализ использования терминов “регистр, дискурс и жанр”, а также поясняются вопросы специфики юридического английского языка. Особое внимание уделено обзору литературы по определению юридического английского языка.