

ANALYZING THE SIGNIFICANT CONTROVERSIAL FEATURES WITHIN ENGLISH FOR LEGAL PURPOSES (ELP)

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Abstract: *The present paper will try to analyze some crucial features that can highlight the differences between English for legal purposes (ELP) and General English (GE). It focuses on use of (ELP) as a medium of instruction within practical field of Law. The study will deal with a fact that lawyers are the most eloquent users of English language. Where, on the other hand, they are its notorious abusers. It is because they employ arcane vocabulary within their discourses. The most controversial features that underlie within this field were to be analyzed from different perspectives: (1) its practicability to legal language's nature (2) semantic interpretations of legal interpretations and (3) perceptual differences over statues of applied and real cases. A language policy program was conducted for this purpose in **SM** (Sind Muslim) **Law** College, (Hyderabad) Sind, Pakistan. Its goal was to analyze the particular needs of the legal learners towards their use of English language. After having the discussions with stakeholders, learners, experienced interlocutors and advocates themselves, the researcher, then analyzed some of the case methods (legal books). It was considered a necessary concern to have particular model that should design a conclusive course of integrating the language learning with legal content. This study falls with three major categories in the end for future scholars. (1) Study of Specific English language within legal field. (2) Study of spoken English language within legal settings and (3) Study of written English language of law. However, the main attempt is to explore the third category, focusing on controversial features within written form of legal English language. This study will also help future ESP course designers to visualize the underlying facts that are important in present era. It will not only improve the learning purposes but to strategies for teaching methods. Therefore, it is important to analyze the controversial facts of ELP course.*

Keywords: Comprehensibility; Legal English; Needs Analysis; Vagueness; Precision; Interpretations

1. Introduction

The present research work was conducted with a foremost mission to highlight some of the important lacks that are found within legal English learners. The lists of learners for current study has not only included the students, however even their teachers themselves. It was sought earlier that the students usually fail to

comprehend the basic issue of *Vagueness* found in English legal language. It even though contradicted with the legal student's goal of precision. According to (Swales and Bhatia, 1982), "the English for legal Purposes (ELP) is an important but relatively uncultivated corner of the ESP field. One of the reasons could be involvement of *specialty* of Legal English". The study also tends to find that legal English language and the field of law itself has led to bitter challenges, when it is compared with GE (General English) as expected by English teachers. The area of research was also to analyze about primary sources taken as materials, for teaching into **Sindh Muslim (SM) Law College**, Hyderabad and Sindh, Pakistan.

1.1 Problem Statement

The undergraduates of law were taught the *case method books* along with court judgments (*statutes*). These sources were considered to have the most direct presence and application of English legal Language (ELP). Where, the case for students who usually took admission within law this college were less economically sound. Therefore, the majority of them could not properly use general English and it was far too difficult to use specific English of law. They really felt awkward to comprehend the provided legal course, composed in legal English. The courses even required to have high sense of semantic legal interpretation. In this respect, according to (Gibbons, 1994); the Language of law is distant in character from the everyday language of conversation on most of the possible parameters.

1.2 Hypothesis generated

- It was a need of situation after considering the failures of law students and even teachers to comprehend the given legal syllabus for Literally Legum Baccalaureus (LLB). This results into negative outcome. It even shows that ELP course designers have failed to design a particular course of law according bachelors requirement by analyzing the needs of stakeholders.
- The new course should be designed that could focus on features of English legal language (ELP) in order to solve and accomplish the requirement of language issues within ELP.
- The language issues are different and need to be demarcated fin terms of their:
 - (1) Simplicity and vagueness;
 - (2) Complexity versus detailed legal notions;
 - (3) Comprehensibility versus perceptual differences between legal learners.

1.3 Research Question

Q. How to strike the balance between Legal English solemnity with its practicability?

1.4 Significance of Study

The study will try to provide some ways to students of law for improving their legal English skills so that they could prove their stance within global markets for better jobs. Thus, it will also help to consider the commercial transactions and so students of Law College with their work plans can successfully sum up their career in line to international perspectives.

2. Literature Review

2.1 What is ELP? How it is related to ESP?

ELP is set of course that is designed for professional law students who need to use English in studying the law and other legal professions. According to (Wright, 2010); the Learners of English language are usually those who can speak English as second or foreign language. Whereas, According to (Mohan, 1986); ESP is defined as the prospect that lights to one particular area of English Language teaching (ELT) and narrowly that focuses on preparing learners to choose particular communicative surrounding. Therefore, the need within ESP course is to state about needs assessment of professional learners, content-based teaching and methods along with content-area instruction to a particular field. It is observed that learner's field of study seems always in cooperation to subject area specialists within ESP teaching practice. According to (Dudley-Evans/St John 1998); English for legal purposes (ELP) is one of the subdivisions in ESS (English for Social Sciences) that roots from ELT. It is the continuum of ELT course types. The main objective for ELP and ESP seems to coincide on preparing learners for particular professional surroundings. Similarly, ELP is designed separately for two main objectives, which are academic and occupational purposes. This validates the statement of Carter (1983) regarding ESP. According to (Carter, 1983); one of the objectives of ESP is concerned with turning the learners into its users. ELP in this way is set to resolve the issues that are related to analyzing of cases and interpreting legal arguments, legal texts and statutory contents, which is written in English language of law. They are significantly employed as source of combating with issues in semantic interpretation to statutes that is associated with the content taught to law students.

3. Need of language program within Sindh Muslim Law College, Hyderabad

The study starts with a basic question that, "What was the reason to introduce a language program within the field of law?" In this respect, (Huang, S., & Shanmao, C.1996) have validly stated that; the issue of *Vagueness* is primary issue which is found within English legal Language, and it usually contradicts with its ultimate goal of legal proceedings that require a *precision* of content. Therefore, there is clear demarcation of two important aspects, vagueness and precision which has been observed and can be stated as; to what extent does the interpreted words or legal terms should be made to work in legal proceedings and how the judges should strike to have balance between vagueness (uncertainty) of arguments by advocates in proceedings and requirement of precision (certainty) while giving a decision that shall bind on legal document. After a thorough observation of the above fact, it was even experienced that the field of law is a cautious organization based on structured of logic, reasonableness and justification that do not allow biasedness and errors in contrary to language. Therefore, in spirit of law, every chosen word is extremely important which should be incorrect in any practical situation.

This above criteria led to visualize a fact that this issue shall not be neglected in any case with refer to undergraduate students of law, who are still commencing their degree of law with practical interpretation of the semantics of this subject. It

will not be tolerable in any case if they somehow present mismanagement in their professional legal tasks with their awful blunders

3.1 Current ELP course design for law undergraduate study

The field of law as a subject covers many different sub-fields. It includes criminal law, civil law, tort law, Family law, company law, constitutional law, International law to commercial law and etc. In every subfield of law, English language is utilized differently. The main difference lies within the register which is used differently in every subfield of law. It is also observed that every sub-field has its own lexical varieties that are known as legal jargons. They are incomprehensible to the layman.

Therefore, in order to understand the technicality of every other sub-discipline of law, that includes grammar, format, vocabulary and their cohesion in its different perspective, there was a need to introduce a program of ELP for undergraduate law students.

3.2 Changes in ELP curriculum

The undergraduate students of law, who are still not proficient enough to tackle the technical provisions of law, need to learn about the practical aspect of this field in order to have command on separate legal courses. Now, there is reformation within admission system with respect to getting enroll to law study in Pakistan, however still there remains a work to change the current syllabus of law. Students who are now taking the admission need to have the proficient knowledge of legal terms in order to pass an entrance test before getting enrolled in graduate program of law. The entrance test includes the knowledge of advanced basic legal terms that will be taught in detail within legal sub-field courses. After the students are having their regular classes, check and balance system is introduced. A criterion of this system is based on testing and evaluating the potential of law students that is marked with ways to represent particular legal topics. The writing skills of students are marked; their ways to comprehend a case study with demanding questions is analyzed with their understanding of given case topic. In final, the regular system of exam is conducted. It merely focuses on observing the students' understanding of particular courses that is taught throughout the whole semester.

Even the teachers, who do confront with the same problem of comprehending an English of legal documents, are even marked to introduce slight changes within their procedures to assess their capabilities. Teachers are mature in their field so they now need to be administered with test of higher ranks. Even the critical observer is set to test the ways of utilizing appropriate communicative skills in English legal language.

4. Designing of the ELP syllabus

4.1 Needs Analysis

Needs analysis is defined by researchers as the most influential stage of any ESP course design. One of its renowned definitions was propounded by Nunan (1988 p, 75). According to Nunan (1988 p, 75) the process of Needs Analysis is a family of procedures for gathering information about learners and about their communication tasks. Therefore, needs analysis itself considered simply as collection of needs that

have been expressed by learners regarding a particular field. In order to analyze the potential state, there are many methods that are consulted. However, the ultimate goal of needs analysis is to achieve the target situation successfully. Each and every academic field is having its separate goals. Along with this, the notion of separate target achievement towards skill training is very important for learners even though they tend to have their individual needs to counter their issues respectively. Therefore, within the Field of law, one needs to know at first that what actually the language of law is? In order to elucidate the answer of question further, the words of (Mellinkoff, 1963) are worth to mention. According to him; "The definition of law is criticized due to its gobbledygook and professional outlook of words". He expressed in a way that language of law like any other languages not only can express and convey thoughts in highly convulsive manner with their reasons but also consists of unique differences within their meanings of same thought.

4.2 Participants

The first year undergraduate students of Sindh Muslim Law College were selected for the study in order to find their proficiency level in legal English and their expectations to counter the provided legal syllabus and its practical application in their profession in future. It has been stated earlier that the majority of students enrolled in this college have been from poor public sector colleges. Therefore, the students have been taught either in Urdu or Sindhi languages till their higher secondary education. Therefore, they even lack the appropriate use of general English (GE). 25 participants were selected for this study that does not have English as their native language.

4.3 Methodology of study

The study is Qualitative in nature. The procedure to collect data is based on two linguistic theories, speech act theory and frame semantics.

4.3.1. Instrument of used in the study

In-depth interviews were taken from the selected undergraduate law students.

5. Discussion

The newly enrolled students were selected to analyze their expectations to the provided law syllabus which is in technical English legal language. It was to know that; "Do the students feel hindrance to counter the technicalities of legal English language when they need to comprehend the terms for their semantic interpretation within case studies and court judgments?" The statement of Dudley-Evans and St.Johns (1998) is worthy in this respect, which states that: "As reasons of needs analysis is to find the factors that affect the way learner learns to include their learning past experience, cultural information and reasons for attending the particular course." It was then a foremost target, after analyzing the needs of students to design a syllabus that must be based on various legal topics in theoretical and practical ways. First, the typical legal topics must turn to adopt new modules before further they could be structured to become prominent parts in final syllabus. So far, the students wanted to modify few typical subjects within law courses that could meet their professional requirement. According to the collected

data sources, students stated that courses shall be designed to (1) Simplify legal insurance policies and other consumer based documents, (2) they should work to make the state and federal legislation more efficient (3) there is a need to add writing instruction and clarity within legal writings, (4) it is to explore more about semantics of legal language that has been used in different sub-fields of law, i.e. Criminal law, civil law, penal codes and etc. (5) it is a foremost need to analyze the semantic differences between common citizens and legal professionals in order to read and comprehend the difficult language of law. In order to identify the target situation of law students, they shall be ensured through various activities that must be conducted in different learning stages. It should be from learner- a (graduate) to a professional practitioner within the field of law. Finally, there was a collective need to gauge the success rate of English legal language. It shall be best on learner's utilization which could be based on critical expert's scale in order to signify about its correct utilization of all four language skills in respective legal domains.

5.1 Course Design

This is the last stage in ESP course design. It is the most significant part., after a successful communicative session with undergraduate law students and teachers; it was tended that the new syllabus should be based on a question towards analyzing the professional needs of learners in field of law. It was suggested to design the course that shall target simplicity and clarity of legal writings. It can verily do make the law student as most enthusiastic advocator of *plain language* within language of law. Elliot (1991) opines that the problems of legal English did not start early. It has its origin back to 1066 and before. It was a time when language of law, the courts and decision-makers were predominantly in Latin. The historical background has accounted to state that why Latin and old French words still remain within legal English language today. Therefore, the majority of legal lexis has been abstruse to modern civilians.

6. Suggestions

- A course outline should be drawn that can assist learners to build competence in English legal language along with the law content. It shall focus to demarcate clearly between the features of legal language which are controversial in nature, they are "vagueness and precision" of lexical terms and semantic interpretations.
- The respect to style of statutory drafting is most controversial issue within syllabus of law which demands more comprehensible approach of learners to analyze the "complexity and vagueness" of legal terms. Like a word "Immediate" is vague in its sense but correctly used in some contexts. With no restriction on specific length of time for definition of a word, it provides layman with some degree of freedom. Therefore, complexity and detail may somehow do have certain extent that is linked in drafting out different style of statutes. In order to have full understanding of legal features, learners must need to have the underlying perceptions of statute's interpretation.
- Legal bind educational seminars for undergraduate students should be arranged by legal experts in every two months for the proper counseling of law

students.

- Students should serve their technical strategies to counter the legal bind facts that could be further possible through proper needs analysis of undergraduate law students and teachers of Law College. It will be possible only if they are blessed with opportunities to use English language along with its functions. So, they can then fully understand the spirit and wisdom of law.

7. Conclusion

This paper highlights the practical aspect of ELP as a professional field of Law within a research domain of ESP. This study was a brief attempt to analyze the controversial features within legal English language. It was in lieu of ESP teaching and learning. However, in spite of lack in demarcating the controversial features, it was also evident that learners even enjoyed this language program and the course as well. The course of ELP seemed to have been relevant for the future of law students. The study is focused on course suggestion. However, there are many other aspects of ELP that could be made as a part of future research. Research itself is a never ending process; there is still a long way to go.

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