# TEACHING LEGAL ENGLISH: A CONTRASTIVE ANALYSIS (ROMANIAN-ENGLISH)

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*Abstract: Specialized terminology is extremely necessary during work activities, as it is needed in order to fix and differentiate knowledge for accurate communication. Every area of social activity is characterized by an inventory of lexical terms and by specific limitations of the semantic sphere concerning the lexical units of the common language. The general hypothesis of our paper is that a psycholinguistic approach can improve the English legal language teaching process. Knowing the factors that influence judicial communication, the main communication types, and the imposition of English as an international language used in legal communication requires the compliance with a strict discipline in transmitting and receiving messages. Therefore, by means of our research, we attempt to find new ways to improve the teaching / learning of the English legal language on communicative and contrastive bases.*

*Keywords: legal terminology, teaching, English language, Romanian students, errors*

## 1. Introduction

Specialized terminology is extremely necessary during activities in very different fields, as it is needed for performing accurate communication. The emergence of new tools, equipment and technological processes has determined the use of new names. Every area of social activity is characterized by an inventory of lexical terms and by specific limitations of the semantic sphere of the common language (Baca, 2012). Throughout the formation process of Romanian contemporary scientific and technical terminology, the following scientific and practical criteria were considered: removing ambiguous terms because of their polysemy and, when possible, removing homonyms and synonyms, in



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order to appropriately express a single notion of a specialty system by means of a single term; preferentially adopting a simple or compound Romanian word, rather than a foreign one, and keeping the foreign terms which are already in use. The accuracy, clarity, effort to avoid ambiguity are usually mentioned as features of the scientific style; they arise especially in vocabulary and syntax, by selecting the possibilities of expression that show the highest degree of non-ambiguity (Guțu-Romalo, 1970: 265).

There is a real interfingering between different types of specialized vocabularies and the common vocabulary in use; special vocabulary terms from different professions come into the common language heritage, and some terms acquire special significance, when coming into the specialized terminology (see Tiersma, 1999). On the one hand, at work, people use most of the lexical baggage which they employ daily, and, on the other hand, they tend to use terms and meanings belonging to the special vocabulary, in other circumstances. Linguists can contribute to specifying, setting and uniting terms in all areas, to identify incorrect forms and meanings in order to prevent their spread (Buzarna-Tihenea, 2015).

In what concerns communication, it requires the use of some special morphological and syntactic means. One can notice the high frequency of verbs, adverbs, interjections with imperative or addressing value. Many nouns, adverbs, adjectives replace whole sentences and have an imperative meaning. Inflected forms of nouns are formed from abbreviations; proper nouns become common nouns. Some grammatical categories are replaced by gestures, large movements. In general, phrases are incomplete, elliptical, and short; however, their extralinguistic analysis demonstrates that they can be seen as large messages, by implicitly referring to the situation.

## 2. Contact analysis and error analysis

Learning a foreign language ‘is the transmission of a verbal repertoire by someone to someone, and its assimilation, under conditions where the latter already possesses an analogous repertoire (Nemser, Slama-Cazacu, 1970:115). A language cannot be learnt as an abstract entity; ‘every person possesses his own individual linguistic system (ILS), the result of a long and never-completed process of acquisition, on the basis of personal selection and storage from linguistic stimuli offered by his speech environment (ibid., p.116), a system to which he appeals in order to communicate messages.



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Slama-Cazacu (1975:5-6) points out that a contrastive study, which aims to improve the teaching / learning of a foreign language cannot be limited to the comparison of the two systems in abstracto; systems which clash in the learner's mind (i.e. mother tongue and target language); moreover, a contrastive study must take into account the many variables involved in this process: the individual level and the means of accumulation and systematization of each of the two languages, the psychological background specific to the individual, his/her motivation, the history of each individual, the variables related to the teaching methods, the teacher, the general context in which learning takes place etc.

One objective of the contrastive analysis is to explain and forecast certain types of errors (Sanders, 1987:205). Errors provide feedback, i.e. they say something to the teacher about the efficiency of his/her teaching materials and techniques (Corder, 1973:265).

The error is a deviation from the expected achievement of the standard, in a given context, and the beginner's speech usually contains, for example, two general types of errors: linguistic distortions and inappropriate reactions to linguistic and extralinguistic stimuli (Cristea, 1977:3). Errors occur as a natural stage in the process of learning a foreign language. They have to be known and studied since they represent a weakness, a difficulty which occurs during the learning process (Slama-Cazacu, 1975:7).

Slama-Cazacu envisages a methodology based on the psycholinguistic analysis, starting from the dynamics of learning a target language largely through the error analysis, in the concrete conditions of a specific mother tongue (Slama-Cazacu, 1980:374). The theoretical foundation of this methodology is represented by the contact analysis of both systems. The approach is closer to the practical, living reality of learning a foreign language. At the basis of this methodology there are certain principles: the need to gather facts or the principle of investigating the whole process of learning a target language under the conditions imposed by the mother tongue, by collecting facts; establishing a corpus of acquisition on scientific, objective bases, through systematic observation and, especially, by experimental investigations, under controlled and constant conditions, by noting the whole context in protocols; the existence of an aberrant corpus obtained by selecting (from the acquisition corpus) the facts characterized as "errors" and by establishing the hierarchical system of errors through the statistical processing of the elements in the aberrant corpus. Partial hierarchical systems are first set for different stages and different categories of students; then, the general hierarchical system is to be set for learning the



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target language on the background of a specific mother language (Slama-Cazacu, 1973:155).

### 3. Major issues in ESP teaching

When teaching ESP (English for specific purposes), we must consider the following aspects: on the one hand, the similarities and differences between learning the Romanian language (as the mother tongue) and the English language (as a foreign language) and, on the other hand, intertwining general English language skills with ESP. The language to be acquired is the same (in terms of language), both when learning mother tongue and when learning a foreign language, and the positive or negative social influences are reflected in the communication and language learning. The differences between learning the first and the second language and their causes are numerous: the age, which causes a certain capacity of thinking, perception, attention, memory and emotional status, motivation, the fact that learning a first language is based on a "linguistic vacuum", while learning a foreign language is influenced by the pre-existing code, etc. Often, adults and older children have a metalanguage largely based on grammatical terminology (Slama-Cazacu, 1983:12-13).

The creation of a motivation when learning a foreign language has a decisive role. Milan (1970:180) highlights the importance of several factors such as sociability, group attraction, the desire to come into contact with works of art, cultures and people speaking a foreign language. When teaching a foreign language, the teacher should know how the mother tongue is learnt or how each student managed to assimilate it, to what degree does the student master his/her mother language and what linguistic knowledge has been acquired by the student. The methods used by the teacher must contribute to the development of knowledge and language skills and of their auxiliary systems, such as gestures and mimics. Learning a language involves a communication process; it includes not only linguistic skills (acquiring the skill to build grammatical sentences), but also communicative skills (producing utterances appropriate to communication situations) (Guberman, 1989:50). The study of learning a language can be done only by taking into account all its contextual, social and cultural factors or, as shown by Guberman (1989:49), the acquisition of a foreign language requires the cooperation of factors related to linguistics, psychology, pedagogy and sociology. Linguistic phenomena are examined both in the context of language itself as well as in the broader context of social behavior



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(Gumperz, 1971:114). The person who uses a language is free to choose the form and channels of messages, but, at the same time, he/she has to comply with grammatical and social constraints; the grammatical constraints refer to the intelligibility of sentences, while the social ones refer to their acceptability (ibid, p.152 ). It is known that, for example, in English, a sentence may be grammatically correct, possible, and appropriate in a certain context and still not used (Brumfit, Johnson, 1979:14).

The problem of applying the most appropriate teaching and learning methods has raised the interest of specialists over time. In this respect, M. Danesi (1991:127) distinguishes between "method" and "approach". In his view the "method" is a formalized and institutionalized teaching means that consists of a set of procedures and the "approach" implies that the teacher possesses a theoretical guide, but, at the same time, it provides flexibility depending on the teacher's teaching style and the learner's cognitive style. In recent decades several methods have emerged.

Generally, it is stated that the factors that ensure the learning of a foreign language are: good programs and materials, well trained teachers and motivated students. The teacher is the one who shapes the taught material, encourages the student's intention to learn, chooses and directs the teaching strategies, encourages exercise, diagnoses the knowledge of the mother tongue and of the foreign language, knows the student's communication needs, draws up individual study and consultations programs (Pauline Robinson, 1991:80). At the same time, the teacher should explain students that the participants in an act of communication are individuals endowed with certain physical traits, with some experience and with a certain social status, in a given situation, and all these factors affect the choice of individual linguistic facts and of messages, at each moment.

## 4. Case study

The general hypothesis of our paper is the following: a psycholinguistic approach can improve the English legal language teaching process. Knowing the factors that influence judicial communication, the main communication types, and the imposition of English as an international language used in legal communication requires the compliance with a strict discipline in transmitting and receiving messages. Therefore, by means of our research, we attempt to find new ways to improve the teaching / learning of the English legal language on communicative and contrastive bases.



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### 4.1. Research methods

The methods used in our research (the experiment, accompanied by direct observation for a correct interpretation of data), i.e. the methods of data collection and interpretation are based on Slama-Cazacu's psycholinguistic principles. Through a "dynamic-contextual" psycholinguistic approach one can analyze the factors that influence the teaching / learning of the English legal language, the conditions specific to a language course in higher education institutions, the objective conditions for the development of experimental tests and the analysis of linguistic facts written in direct protocols. The goal of this research is to study the main factors which have an impact on the English legal language learning by Romanian students whose major is Law or English. It is noteworthy that, in terms of legal vocabulary, a distinctive feature of legal language is the complex and unique legal lexicon; however, different legal languages have their own unique legal vocabulary. This is one of the most visible and striking linguistic feature of legal language as a technical language used for specific purposes (Popescu, 2012: 115).

One of the factors with a significant influence on learning a foreign language is the learner's mother tongue. The conception related to transfer and interference, specific to classical contrastive linguistics, is characterized by their simplistic understanding, as factors of mechanical actions: learning will be facilitated if there are similarities between the mother tongue and the target language, whereas learning will be difficult if there are dissimilarities; therefore, by comparing the systems of the two languages and by highlighting the similarities and differences between them; it is believed that there can be anticipated the points where difficulties in learning the target language may appear (Doca, 1977:3).

The psycholinguistic approach to interference emphasizes the idea that transfer effects can be objectively noticed at the level of the individual linguistic system and of the individual speech acts. As already stated, interference is due to the influence of the mother tongue, the language stock already acquired in the target language or the influence of a third language familiar to the student (such as French). By studying errors, we can obtain information about the factors that explain their production; on this basis, we can highlight the means to prevent the errors which occur as a result of interference.

Errors are not fatal; they should be known and annihilated by improving the teaching methods and means (selecting and grading the content of materials used in



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teaching and learning, rescheduling exercises, etc.) and by taking into account factors such as: the linguistic environment where learning occurs, the teacher, motivation, culture, education and the overall experience of the student, etc.

The experiments took place in the real context of teaching and learning, during the courses envisaged within the curriculum and in the assigned classrooms. The teacher who taught and assessed the students' knowledge was the same: the author of this research.

### 4.2. Sample

The students used in the experiment were first and second year students from the Faculty of Law and Administrative Sciences and from the Faculty of Letters, Ovidius University of Constanta.

### 4.3. Analysis of the results

The assessment of the degree of acquisition of the legal vocabulary and the inventory of errors were achieved by experimental tests which included:

1. Writing a letter on one of the following topics:

a. You are about to graduate the Faculty of Law and you have seen an advertisement in a newspaper for the position of Lawyer at the famous Lawyer Company. Write a letter of application giving information about yourself, your qualification and previous experience, as well as explaining why you would be suitable for the job.

b. You are an apprentice lawyer; you have to deal with a difficult case and you do not know how to start building your defense in the courtroom. Write a letter to your mentor in which you ask for advice.

c. You are the mentor of an apprentice lawyer who has sent you a letter for asking advice. Write him/her a letter giving advice on how he/she could better organize his/her work.

2. Exercises in which students were asked to match terms and / or legal phrases from English to their Romanian equivalent.

3. Translation exercises.

4. Writing sentences by using certain English legal terms, such as: fair, coercion, procedures, juror, evidence, jury, employer, judge, illicit, plaintiff, delivery, assent, privilege, to suspect, obedience, defendant, prosecution, employee, warrant, witness statement.



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In the experimental samples there are spelling, lexical, grammar and word order errors; the sources of these errors are mainly represented by the influence of the mother tongue (Romanian), the language stock acquired in the target language (English) and the influence of a third language (French).

From the total of around 198 errors made in writing the letters, 60 are grammatical errors, 29 are lexical and spelling errors, and the rest are mixed:

The grammatical errors are related to:

a) The use of tenses: "I just graduate" instead of "I have just graduated" (past simple instead of present perfect); the incorrect use of present simple: "the lawyer say" instead of "the lawyer says", "you not to try" instead of "don't try"); the incorrect form of present continuous ("I trying" instead of "I am trying"; "I learning" (I am learning"); "I waiting" (I am waiting"); the incorrect use of tenses in if clauses ("If you will trust me" instead of "If you trust me"); errors due to the learner's lack of knowledge of the irregular forms of verbs in the past simple or participle ("haved" instead of "had").

b) The use of prepositions: "over two weeks" ("in two weeks"), "on the newspaper" ("in the newspaper"), "interested about" ("interested in").

c) The use of definite and indefinite articles ("an respect"; "an difficult");

d) The learner's lack of knowledge of the main characteristics of modal verbs: "I must to graduate" instead of "I must graduate";

e) The use of the adjective instead of the adverb: "obvious" instead of "obviously"; of the possessive pronoun instead of the personal pronoun ("my" instead of "me"; "his" instead of "him" or "he");

f) The omission of the subject: "Hope to be accepted"; "Studied hard to become a good lawyer" from the Romanian model "Sper sa fiu acceptat"; "Am studiat din greu pentru a deveni un bun avocat";

g) The incorrect use of the plural: "this advices", "some advices", "this accusations", "many informations".

From the total of around 360 errors made in writing sentences by using certain English legal terms, 162 are grammatical errors, 92 are spelling and lexical errors, and the rest are mixed:

- spelling, lexical and grammatical errors: "I want to delivery" ("I want to deliver"), "The man is suspected by murdred" ("The man is suspect of murder"), "This procedures are ilegales" ("These procedures are illegal"), "The contract it was delivery"



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("The contract was delivered"), "He is suspecting of murder" ("He is suspect of murder"); the use of "true" instead of "truth"; the use of "to" instead of "too";

- spelling and lexical errors: "selfdefending" ("selfdefence"), "falsificated" "falsified", "inguilty" (innocent" or "not guilty"), "offert" ("offer"), "limitful" ("limited"), the use of "faith" instead of "fate"; the use of "when" instead of "while";

- errors related to word order: "Is not fair the life" (instead of "Life is not fair") after the Romanian model "Nu este corectă viaţa", "theft auto" ("auto theft") after the Romanian model "furt auto", "things illicit" ("illicit things"), "evidence enough" ("enough evidence"), "The man evidence presented in this case" ("The man presented evidence in this case"), "procedures arrest" ("arrest procedures").

Other examples:

1.The judges seem to have granted me parole due to my good behavior in prison./It seems to me that the judges granted me parole due to my good behavior in prison.

eliberated me; offered me to be free; set me out on parole; judges allows my eliberation; gave me the caution release; free me on parol; due to the good behavior in jail; well behavior; in the prison.

2.Every time something bad happens in my neighbourhood, he expects me to confess to a crime I did not commit.

When (it) happens something bad; he expects from me; he is expecting that I confess a crime; to confess a crime; to testify to a crime; a crime I didn't do; a crime I haven't done; a crime I didn't commited; near; neighbourly; a tort that I haven't done.

3.As to getting a job/About finding a job/About getting a job, all employers consider ex-convicts to be dangerous people.

In order to get a job; concerning about; employees; employers are thinking about; ex-convicted; ex-sentenced.

4.I wish they didn't find him guilty of obstruction of justice.

I wish that they they won't find ...

5.The defendant was approached by a customer who wanted to acquire goods in exchange for two stolen cheques.

defender; respondent; aborded by a client which ; in change/exchange of; stealed cheques; stollen cheques.

6.This information comes from a wide variety of sources such as the government, the courts, legal organizations, special interest groups, the media and individuals.



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These informations come; as; law's organizations; the persons.

Some other mistakes made by the students are: infringe (infringe on); instances (courts); implied of E.C. (implemented by the E.C.).

A general analysis of the results reveals that grammar errors are the predominant type, being followed by spelling and lexical errors, and mixed errors. The simple recording of errors is not significant; therefore, the aberrant corpus was subjected to the processing and interpretation of errors in order to highlight the information carried by each error. The errors that occurred in experimental conditions have undergone an adequate processing and interpretation step, in which the quantitative aspect (statistics) intermingled with the qualitative one.

The identified sources of errors are:

1. R-E (Romanian - English), when the error is explained by the influence of the mother tongue (e.g. "confruntation" (instead of "confrontation"), "discurs" ("discourse"), "falsificated" ("falsified");

2. E-E (English - English), when the error is explained by the influence of the previously accumulated knowledge stock in the target language (e.g. "taked" (instead of "took"), the model "verb + ED for the past simple form of the verb");

3. TE (third language - English) when the error is explained by the influence of a third language, usually French (EF), for example: "une" (instead of "one"), "ilegales" ("illegal"), "origines" ("origin");

4. other causes: carelessness, fatigue (e.g. "peopel" (instead of "people"), "withe" ("with").

5. another source of errors can be considered the learning of the legal terms, unaccompanied by correct spelling: "low" ("law"), "sentince" ("sentence"), " withnesses" ("witnesses").

The system used in this research tries to capture what is specific to the contact situation taking place within the student, where English is the target language and Romanian is the mother tongue, but also taking into account the influence of a third language and the linguistic and psychological determinants of the learning process.

**5. Conclusions**

The research results confirm W. Nemser and T. Slama-Cazacu's (1970) perspective on the need for revising the traditional contrastive linguistic hypothesis that simplifies the reality of the learning process in a target language, by placing it in relation



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only to the influence of the learner's mother tongue. By processing the material obtained on experimental bases, our research points out that, during the process of learning the legal language based on the Romanian language as the mother tongue is not the only factor to be taken into account; an important role is also played by the knowledge previously acquired in the target language. There are also situations where the influence of the mother tongue and the previously acquired language stock lead to the appearance of interference and, sometimes, the influence of a third language (French, in this experiment) may also occur. Transfer and interference take place between the mother tongue and the target language, but also between successive stages of knowledge acquired in English; these are in a permanent dynamics: new knowledge is perceived, compared and analyzed according to prior knowledge; moreover both new and prior knowledge are in a continuous process of reorganization and resystematization, as new knowledge is being assimilated. We should also take into consideration that the relationship between law and language is sui generis as they are both culture-bound and normative systems (Gălbeaza Buzarna-Tihenea, 2013).

Therefore, it has been found that legal terms were learnt as correctly as possible when their teaching was carried out on contrastive and contextualized bases. Our research presents many practical aspects such as the possibility of writing a manual of legal texts, a collection of exercises (with typical errors, with the aim to subsequently avoid their occurrence) and tests in order to check the learners' knowledge (after going through these legal texts).

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