

Integrating Source Texts and Building Up Genre Awareness in ESP Classrooms: a Focus on Law Reports

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Abstract

Texts as units of discourse have always been the units of study in ESP classrooms; for teaching purposes they can be viewed as linguistic objects or as vehicles of information, while in linguistics specialized texts are considered to be units of genres which share common characteristics. Reading source texts (legislation, case law, rulings etc.) is the staple of the legal profession, par consequence, exposing law students to such texts in a legal English class prompts a lot of questions related to discourse (context) awareness and genre-awareness. Building on the theories of language learning and ESP teaching methodologies we discuss the effective treatment of texts of professional communication within legal English course. Drawing on the example of UK law reports the author outlines the principles of effective incorporation of professional texts: interaction, elaboration, contextualization and translation and explains what type of tasks could reflect those principles in the practice of teaching.

Keywords: ESP, legal English, source texts, professional communication, legal discourse, judicial discourse, ESP methodological framework.

Introduction

Legal English is abundant with genres and topics which gives ESP teachers a considerable latitude, however, the task of striking a balance between specialized content and (grammar) accuracy

that holds everything together cannot be tackled within the limits of one particular genre or area of law. Naturally to cover various aspects of professional communication modern legal English courses have been trying to integrate such aspects as legal writing, client communication and negotiation, legal research and advocacy skills. Yet it would be fair to say that achieving communicative purposes is mostly contingent on the so-called discourse- and genre-awareness which is formed through exposing legal English learners to a variety of texts including source texts like law reports, contracts and law expert opinions. In this paper we will discuss the role of discourse and genre awareness in the context of legal English teaching. We will then consider the benefits and challenges of choosing law reports for the purposes of legal English teaching and discuss a few examples of task development and extension. In conclusion we will sketch out the principles which legal English teachers could use to navigate through source texts and to accommodate such texts within their courses.

Background

The greater focus on the specificity of specialist texts in ESP teaching in the last three decades of the 20th century coincided with the rise of functional linguistics, however, since then this view has been reconsidered. Nowadays scholars and ESP practitioners define methodology as “a set of general principles that in one way or another inform the variety of local practices” [Rodgers 2011: 343].

Earlier studies of ESP teaching methodology outlined discourse-based and genre-based approaches [Dudley Evans, St. John 1998: 87–88]. The former targets at teaching ESP students to comprehend the thematic organization of the text whereas the latter approach exposes students to specific fea-

tures of a particular genre though in both approaches the analytical perspective on the language prevails. As competence-based methodologies garnered more attention the scope of teaching methodology was broadened thus producing a new teaching model based on analytic and experiential approach. Scholars started to advocate for a broader framework which presents the continuum “from analytic learning (where the focus is mainly on form) to experiential learning (where the focus is mainly on the communication of meanings)” [Littlewood 2014: 297–299]. The integrated approach also emphasizes the role of principles rather than dependence on ready-made sets of exercises and activities, in other words the concept of methodology per se would be transformed into a methodological framework. Having outlined the general framework of ESP teaching let us steer our discussion towards a narrower aspect of legal English teaching, i.e. integration of source texts and task development.

Use of source texts within legal English course: law reports

The source texts relating to law include excerpts from legal acts and regulations, contracts, law reports and legal opinions. Exposing students to such texts could be a daunting task due to their inherent specificity. Moreover, “a key aspect of authenticity is the level of the text exploited in the ESP class” [Dudley-Evans, St. John: 28], in other words, the key issue is whether relevant tasks enable students to comprehend and explore the real context in which those texts are used. This twofold aim imminently prompts a broader question of culture-specific value, namely that of translating one legal culture into another. In this section we will focus on the use of law reports in legal English course and possibilities for task development and extension.

Law reports are extensively used in legal English courses in English-speaking countries, specifically, for the development of legal writing skills. Cited by lawyers in their submissions to courts and memos for the clients, law reports embody the evolving judicial discourse. In contrast to legislative texts, law reports reflect the reasoning of the court based on the interpretation of statutes, application of legal principles, evaluation of claimant's arguments etc. Compared to newspaper articles which tend to follow a narrative pattern, law reports focus on the legal representation of a case from the standpoint of a legal authority [Kurzon 1998: 32 – 36].

On the linguistic side, due to their complex conceptual framework, law reports can be described as complex rhetorical structures expressed in a wide range of syntactic, grammar and lexical units. Indeed, reading and analyzing law reports implies an ability to infer meanings, to identify the reference points on various levels of the text and to bridge the rhetorical (pragmatic) and linguistic content of legal argumentation. What approaches can be suggested to get about incorporating law reports in the context of language teaching?

As mentioned above ESP methodological framework should combine language (genre) awareness and language experience, the same principle should apply to source texts. An endeavor to incorporate the integrated approach was undertaken in a recently published student coursebook *Legal English Advantage* which offers students to work with UK law reports. The authors of the coursebook proceeded from the assumption that texts set out the conceptual and lexical framework shared by the teacher and their students, in other words they represent the core of the learning process. Due to their specificity legal texts require adopting a slightly different reading approach (compared to the commonly accepted one) based on the principles that we will discuss further.

Interact

Reading comprehension questions which direct students to find and cite a relevant sentence in a law report would not allow students to contextualize the argument and communicate its legal sense. Meanwhile questions aimed at developing analytical reading skills will enable students to uncover the (quite often) non-linear structure of legal arguments and reconstruct the argumentative steps of the writer by means of paraphrase. To put it differently questions should navigate students throughout the law report, which is why inserting them across the text (rather than listing all of them after the text) would activate closer reading and interaction of the reader and the text, and consequently, students will be able to grasp the legal context.

Elaborate

Including follow-up tasks should be aimed at extending the discussion of the matter presented in a law report. Offering students to ‘carve out’ specific concepts or justifications scattered throughout a law report would enable them to revisit, recover and sum up relevant ideas and present them in their own sentences. On the other hand, formulating writing tasks on the basis of the rule and reasoning set out in a law report would allow students to build on the ideas of the report and to apply the conceptual framework to another (suggested) situation, for example, the issue and the questions raised in law reports could be used as a frame to write an email or a memo.

Contextualize and translate

Any legal text dealing with common law constructs offered to non-native students working within a civil law jurisdiction will instantly trigger comparison and translation of one legal system into another. Translation is understood broadly as a set of cognitive operations going beyond the search of a close equivalent in another language, rather it covers the process of recontextu-

alizing the pre-existing knowledge about common law system, invoking one's own expertise, drawing comparison between seemingly similar notions, and analyzing how they play out in legal practice. Tackling these tasks in the context of teaching implies creating a discursal framework where students would be encouraged to contribute to the discussion, to run their own research and eventually develop their critical thinking skills.

Far from being state-of-the-art these principles are yet rather demanding since effective course development would depend on the choice of core texts and building-up an effective language learning framework based on the ideas and resources of the core text.

Conclusion

In this paper we outlined the methodological framework for legal English courses. Such a framework should integrate language learning (enhance language awareness and genre awareness) and language experience (build up an effective discursal framework). Such a framework should also bridge the academic and professional discourses through the use of source texts like judgments and law reports. Though it is impossible to cover all aspects of legal English course development into one paper, we hope our reflections and proposals will be of use to our colleagues and students.

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