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## **ENGLISH FOR SPECIFIC PURPOSES WITH PARTICULAR STRESS TO ENGLISH FOR LAW**

English for specific purposes appeared in the early 60ties of the last century, as an answer to the need of better communication among the developed countries as well as among the developing countries (Master & Brinton: 1997 vii). This led people who were included in the profession *teacher of English* understand that the English language is needed as a link within the multicultural and multilingual societies as a means of international communication and as a carrier of global news and information.

When the English have been accepted as an international language, it created a new generation of learners, who knew exactly why they learn the language, businessmen who wanted to sell their products, mechanical engineers who had to read the instructions for handling the machines, medical doctors who had to follow the last achievements in their field as well as the numerous students whose handbooks and journals had been written only in English. They all needed the English language and what's most important, they all knew why they needed it. At the same time, as the need for English instruction for specific purposes grew, new important and influential ideas started to appear. Traditionally, linguistics aims to describe the rules of how to use the English language. However, the new studies turned the attention towards finding how the language is used in real communication (Widdowson,1987). One insight that appeared from this study was that the language we speak substantially differs from the one we write in many different ways and contexts. In the instruction of English, this brought an attitude that there are substantial differences between the English for economists and lawyers, or for those that deal with technical sciences. This attitude naturally connected with the development of the English language for specific groups of users. The most studies (at the beginning of '90s of the 20<sup>th</sup> century), were in the field of English for Science and Technology (EST), so at one time ESP and EST represented synonyms. In short, the attitude prevailed that the English language which was needed by a specific group of learners could be identified by analyzing the linguistic characteristics of the language of their field of specialization.

'Tell me why you need the English language and I'll tell you what kind of English you need' (Hutchinson & Waters, 1987: 8), became a leading principle of the English for Specific Purposes.

English for Specific Purposes (ESP) explains the need of studying the English language for its use in the Law, as well as its use in all the institutions where the Law science is studied and where the language of law is practiced. The category English for Law focuses on the language that is taught at the faculties of Law and in the law offices as well as other legal services. English for Law is of primary interest in the law science, the written legal cases as well as verdicts, and counselings of the type representative-client, legislature, contracts and legal agreements. That's where the need to pay attention to the specifics of the *register of Law*.

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## Register

Register represents a linguistic repertoire that is linked to particular societal practice and with the persons engaged in that practice. Formally, the register differs according to the type of repertoire that they include, and many of them include more than one repertoire. From their function, the different registers are connected to the professions of all types such as: Law, Medicine, Technics, Economics, Military strategies, Sport, Art, Social status etc. Thus we understand that a register represents a closed and restricted string of forms of which all the members of the language community possess identical competence. Registers have distributed existence among the population because not all the speakers of a language have the same competence of all the registers in the course of language acquisition. The competence in the use and interpretation of a certain terminology requires several years of specialized formal studies. In the case of registers which are connected to activities in the field of law and finances the mastering of the special terms is achieved through socialization at the workplace (conducting legal cases and procedures, bringing decisions and verdicts, shareholding, finances etc.)

In many societies, certain lexical registers function as 'secret languages' (for example 'argot', religious rituals languages, magic etc.) Many speakers can recognize many registers of their languages, but cannot completely use them or interpret them. In the English language, all the different registers belong to three generally accepted levels of formality; formal, colloquial and slang.

The formal register represents a register of literature and the official addressing. It is characterized by neo-classical and archaic words which are in synonymous relation with the words of the colloquial register. Many of these formal archaic terms have been kept in the English register of law. Powel gives such examples (Powel, 1993:66):

### *Formal colloquial translational equivalent*

Abode, domicile home, house, живеалиште

Adversary, enemy, непријател

Annihilate, reduce to nothing, поништува

Animadvert, remark, забелешка

Matrimony, wedlock, marriage, брак

Replenish, fill in, надолува.

## The register of law

Although lawyers have different 'backgrounds' and perform different actions as a kind of profession, they very often seem distant and hardly understandable. Maybe one of the reasons for this is the legal jargon "the legalese" - the strange and hardly understandable language in which so many lawyers speak and write. The jargon allows the members of a group to communicate quickly, clearly and efficiently. The lawyers and accountants speak about *involuntary conversion of property* which in Macedonian would mean 'губење или деструкција на имот по пат на кражба, несреќа и сл.' When lawyers use unknown terms in communication with other persons, the jargon becomes a parallel language (*doublespeak*). Shifting from jargon to parallel speech is not a feature only of the lawyers of the English speaking area. Throughout the whole world, people very often claim that they cannot understand court procedures and legal documents. In the 18<sup>th</sup> century, Jonathan Swift, an Anglo-Irish writer, critic and essay writer

said: ' That's a language that no mortal can understand and probably there is no more puzzling and frightening jargon than the legal one..... and no language has ever been so much criticized' (Goshgarian, 1995: 488). During the time, the lawyers have changed, but their jargon hasn't. However, it seems that the jargon is a kind of creating a mystery around the profession, a kind of differentiating the people who are inside from those that are outside the profession. The language of law belongs to a general natural or popular language system – English, Macedonian, Serbian, Chinese etc. But it cannot be completely autonomous, but it represents a subsystem of the basic language, a special technical sociolect, which differs in many traits from the general standard language, as well as from the other language subsystems.

One of the features of Legal English is the usage of everyday English to express specific legal meanings. For example, the phrase *to make a motion*- usually expresses a kind of movement, but for the lawyers, it represents *requirement to start a court procedure*. In the English for Law, there are words and phrases which do not have any meaning for the people who are out of the law profession. Some of those words come from Latin and French (Powel, 1993: 68) Such are the examples:

a. *Replevin* – ‘return of property’.

б. *Nemo dat quod non habet* – ‘a principle according to which a person doesn’t have a right to the property which one acquired from the person who didn’t own it’

On the other hand, there are words which are formal and mostly understandable but are very obsolete. Such terms are:

a. *Hereinafter* – ‘further on, as stated below in the document’

б. *Aforesaid* – ‘mentioned before’.

Then, the language of the law can have very long sentences which include many dependant clauses, and they restrict and define the original announcement. However, most of the legal terms today belong to the standard code of the English language. Many of them resemble the plain words of English, but on the other hand, have special meaning when they relate to the law. Such terms are:

a. *Nuisance*<sub>1</sub> - 'an accident, hindrance, a boring person'

*Nuisance*<sub>2</sub> - 'type of tort'

б. *Consideration*<sub>1</sub> - something considered when making a contract, something which is given or given up upon creating a contract.

*Consideration*<sub>2</sub> - 'thinking’.

*Consideration*<sub>3</sub> - 'something is given in return as compensation, which is sufficient for the informal contract to become legally binding'

In further analysis, we realised that there is a substantial coincidence in the meanings of the legal terms in the English and the Macedonian language. But, because of the difference in the legal systems, there are numerous examples in which there are several terms in English which denote one term in Macedonian, or there is no translational equivalent in Macedonian for an English legal term, i.e. a lexical gap appears.

The term *Identity theft* appears as a general term which includes *mail stealing* (via e-mail, or physically from the mailbox), *dumpster diving*, *eavesdropping*, *phishing*, *scam*, *spam*. All these terms represent ways of stealing the identity which is a crime. In the Macedonian language, all these terms (except for *identity theft*) represent lexical gaps. We don't translate them but just accept them as they are pronounced originally. We should know their semantics to understand them.

Other interesting examples are the English terms *lawyer, barrister, solicitor, attorney* which are translated as ‘адвокат’. But there is a difference in the semantics of these terms and one should know the specific duties and activities of these professions to make a difference. There are also legal terms that are not translatable in Macedonian because of the specifics of the English legal system. For example, the names of the judicial institutions in England do not correspond with the names of the same in Macedonian. For example, the *Magistrate’s Court* is the lowest in England. We cannot translate it because there is no such court in Macedonia. The same relates to the *Crown Court, Queen’s bench division, King’s bench division, House of Lords, Law lord peer, etc.* Similar example appears in the American legal system. For example, the names of the courts correspond to our system of courts on the basic level: Primary court (основен суд), Court of Appeals (Апелационен суд) and Supreme Court (Врховен суд). But we view them only as translational equivalents, which doesn’t mean that their function is the same. On the other hand ‘Supreme Court’ is the highest court in the USA on the federal level, but the same name of the court in the state of New York relates to the first-degree court. The term *solicitor* in England and Wales has a specific meaning which is different from the meaning in the other English speaking countries, and in our language, it represents a lexical gap because there is no such profession in our legal system. To find an appropriate solution for these problems, we need to understand the different legal systems and we should consult the experts of the Law profession.

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