STUDENTS' DIFFICULTIES IN LEARNING LEGAL ENGLISH VOCABULARY - A CASE AT HANOI LAW UNIVERSITY

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Abstract: Legal English, a style of English in law areas, is a compulsory subject in the syllabus of International Trade and Business Law Department at Hanoi Law University. Legal English vocabulary is considered to be the basis in developing other skills at higher level. This present research seeks to clarify the learners' difficulties when acquiring legal English vocabulary at this institution. In order to achieve the aim, survey questionnaires were administered to 165 students of the International Trade and Business Law. The results indicate that the distinctive features of legal English, differences in legal systems and lack of background knowledge of various law fields constituted the main obstacles. A number of practical recommendations were thus drawn up for enhancing the learning and teaching legal English acquisition process.

Key words: Difficulties, legal English vocabulary, higher education

1. Introduction

Legal English is a specialized language for legal purposes, which is basically used by lawyers, judges, prosecutors, law professors, and jury members, etc., in the countries whose official language is English. It is undeniable that in the era of globalization, legal English is a now a global phenomenon. Therefore, exposure to different legal systems requires legal practitioners to communicate successfully in English using the appropriate legal terminology. In other words, legal experts are required to both master knowledge of law and have a good command of legal English to cater themselves. Including legal English into the curriculum of law schools throughout the world, therefore, is of great importance.

Legal English is considered difficult to understand even for native speakers because of its typical features which are related to terminology, linguistic structure, linguistic convention and punctuation. Legalese, a distinctive characteristic of legal English, is defined as "incomprehensible verbiage found in legal documents as well as an arcane jargon used among attorneys" (Schane, 2006, p.2). In the field of language education, legal English has often been regarded as uniquely differently from other types of English for Specific Purposes (ESP). It has also been investigated in terms of the forensic linguistics and legal discourse (Northcott, 2008). Both dimensions require the deep understanding of linguistic characteristics in the context of law or legal texts, e.g., contracts, court pleadings; and laws, etc.,

At Hanoi Law University, legal English has been a core subject of English majors since the academic year 2014-2015. At the basic level, equipping learners with legal terminology thorough reading texts is the priority and main goal in the process of teaching legal English. The researcher has realized that the learners have been facing plenty of challenges in the

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comprehension of legal terms, which affect the acquisition of legal English at a higher level in this institution. In the literature, a number of studies have been carried out to find out the challenges in learning and teaching legal English in different contexts (e.g., Tarkhova, 2007; Butler, 2013). However, there has been little research work investigating difficulties learners meet when learning legal English vocabulary in the context of Hanoi Law University. This fact suggests a need for carrying out the research to fill in the research gap. The study, therefore, seeks to answer the question: "What difficulties do the learners meet in learning legal English terminology?".

2. Literature review

2.1. Legal English and its characteristics

Legal English is the style of English used by lawyers and other legal professionals in their profession. Legal English shares many similarities with other ESPs in that each type of ESP has its own set of technical terms. Legal English, similar to legal language, contains a number of unusual features related to terminology, linguistic structure and punctuation. The development of legal English is closely connected with the history of the United Kingdom legal tradition, which follows the common law. According to the linguists, stylistics is not to list the kinds of styles but to observe and describe the language features of a style, including morphological, lexical, syntactic and textual features (Veretina, 2012). In the scope of the study, legal English vocabulary is examined in two dimensions, that is, lexical and syntactic features as adopted in Veretina's study (2012).

The first characteristic concerning lexical feature refers to the use of archaic terms, a formal style used by lawyers called legalese such as *pursuant to* (e.g., under; in accordance with); *prior to* (before); *subsequent to* (after), etc. Legalese makes it hard for laypersons to understand. Although legal practitioners have a tendency to use archaic words less frequently than other terms, many archaic words including *hereinafter; aforesaid; therein; thereto; thereof* can still be found in many legal documents (Veretina, 2012).

Secondly, in the field of law, technical terms are used frequently. Some of them are familiar to laypersons (e.g., *patent, share, royalty*), while others are only known to lawyers (e.g., *bailment, abatement*), which can cause misunderstanding. Also, there are common words with uncommon meanings in specific legal contexts, e.g., "*attachment, action, consideration, execute, party*" (Rylance, 1994, p.150).

Moreover, a variety of Latin and French words and phrases are found in legal English. Examples of words of Latin origin are *negligence, inferior, versus, pro se, stare decisis, obiter dictum,* etc. Besides, the influence of French is shown not only in the words of French origin (e.g., *appeal, claim, complaint, court, default*), but also in the position of adjectives behind the modified nouns in phrases such as *attorney general, fee simple absolute, state auditor general*, etc. (Veretina, 2012).

The use of synonyms is also a prominent feature in legal English. Most common types of synonym pairs are doublets and triplets with the conjunction "and", e.g., *act and deed, legal and valid, goods and chattels, null and void, etc.* (Garner, 1989).

Regarding the syntactic features, complex and compound sentences are used instead of simple ones in legal documents. Specifically, sentences in legal documents include a great deal of information, repetitiveness, noun phrases with plenty of modification as well as coordinate and subordinate clauses (Veratina, 2012).

Nominalization is more preferred to use in formal writings, and legal writing is not an exception. Nouns deriving from verbs are often used instead of verbs. For example, *to give consideration* instead of *to consider*, *to be in opposition* rather than *to oppose*. It is noted that nominalization makes the text long and non-dynamic (Bhatia, 1993).

The use of third person (e.g., *everybody, nobody*, and *every person*) and passive voice in legal writing belongs to the impersonal style, which creates the impression that law is impartial. However, such generalizations, to some extent, are vague and make it obscure to people who do not specialize in law (Veratina, 2012).

2.2. Obstacles in learning and teaching legal English

In the literature, there has been a considerable amount of research on difficulties in teaching and learning legal English in different countries such as Iran and Russia. Although such research was carried out in different contexts, they shared similar findings.

Compared to other ESP areas, legal English is considered to be one of the most challenging to learners due to its distinct terminology and special features. This lead to the difficulty in understanding and interpreting legal terms. From the linguistic point of view, the transfer of meaning and interference between the source language and the target language creates major obstacles for both teachers and learners as it is quite difficult to cope with law and language simultaneously. Learners have to focus not only on general English, but they also have to focus on legal vocabulary in legal English (Saliu, 2013). White (1982) indicated that one of the most problematic features of legal discourse is 'invisible' (p.423). He claims that "the most serious obstacles to comprehensibility are not the vocabulary and sentence structures employed in law, but the unstated conventions by which language operates" (p.423).

Tarkhova's research (2007) in Russia revealed interesting findings. Textbooks used in this context were published by UK publishing houses. It is common knowledge that the UK follows the Common-law tradition, which clearly differs from Russian legal system. The findings showed that the difficulties in learning legal English primarily arose from the legal terms, the differences in the legal systems between Russia and the UK. This affirms the fact that legal language is shaped by the legal system, therefore, there is no universal legal language. In other words, different legal systems have different legal rules, legal concepts, and the semantic domains of the legal terms in one country do not correspond with those in another (Mattila, 2006). Similarly, Popova (2008) specified that in teaching and learning legal English process, there were three main difficulties in terms of difference between learners and teachers' legal systems, customs and the restrictions on the source of legal English textbooks and reference books.

Regarding the difficulties in acquiring legal English aspects, Michael and Simon (1982) clarified that legal terminology cannot be taught without reference to the native legal system. Legal English, therefore, should not be provided without reference to the English legal system.

Austra (2014) showed that ESP students faced difficulties when selecting appropriate legal terms from Lithuanian to English and vice versa. Reaching a higher level, according to Butler (2013), legal writing was the most complicated skill among four skills for both teachers and learners. It is partly explained by the fact that most teachers of legal English are language teachers, not legal experts. Therefore, they lack experience in writing and drafting legal correspondence and legal documents.

3. Methods

3.1. Participants

The total of 165 second-year students at International Trade and Business Law Department at Hanoi Law University were involved in the survey. At the time of the survey, the participants finished two legal English courses, however, they had little background knowledge about law areas. At Hanoi Law University, students at International Trade and Business Law Department are required to study three legal English courses instructed by English teachers. The two main textbooks, namely *Professional English in Use - Law, Introduction to International Legal English* by UK Publishing House, are used throughout three courses. The content of the legal English curriculum includes a wide range of legal topics ranging from the legal system, court system to civil law, criminal law, tort law, contract law, commercial law, company law, and international law.

3.2. Data collection instrument

Survey questionnaires were the main tool to collect the data about the learners' perceptions of the difficulties in learning legal English. The questionnaires consist of one question seeking the participants' perceptions towards the necessity of acquiring legal English vocabulary. The main part of the questionnaire is made up of 15 items on a 5-point Likert Scale. The participants were expected to indicate (1) strongly disagree, (2) disagree, (3) neutral, (4) agree, (5) strongly agree. Among the 15 items, the first nine items relate to the distinctive features of legal English, which are deemed to be the problematic factors for learners, even native English speakers (Haigh, 2009); the next three items are concerned with the differences in the Vietnamese and English legal systems; the rest items belong to background knowledge of legal fields. The survey questionnaires were designed based on the factual problems met by three experienced instructors of English at Hanoi Law University during the teaching and learning process. After constructed, the questionnaires were fine-tuned with a group of twenty students in a pilot study to validate the strengths and weaknesses of the instrument. Finally, the questionnaire was finalized as the items met the Alpha value, ranging from 0.84-0.90, reliable (Cronbach, 1951).

3.3. Procedures

Having prepared the research instrument tools properly, at the end of the second term of the school year of 2020-2021, the questionnaires were administered online to 165 International Business and Trade Law Department in the Google forms survey. The questionnaires were then coded for the purpose of the data treatment. SPSS was used to analyze the data quantitatively to figure out the results.

Frequencies and descriptive were employed to determine factors contributing to the difficulties in learning legal English vocabulary with Likert scales. The following limits of description were shown in the Table 1 below.

Table 1. Descriptive Statistics of Likert scale data

Limits of Description			Quantitative Interpretation
5	4.2-5.0	Strongly agree	Very high
4	3.4-4.19	Agree	High
3	2.6-3.39	Neutral	Neutral
2	1.8-2.59	Disagree	Low
1	1.0-1.79	Strongly disagree	Very low

4. Findings

Participants' perceptions towards the necessity of acquiring legal English vocabulary
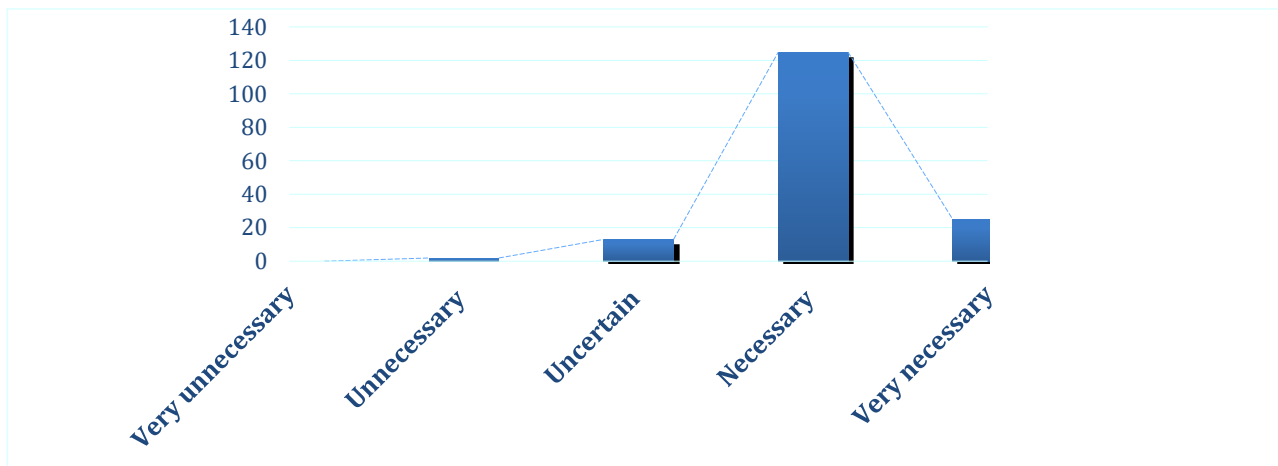

Chart 1. Learners' attitudes towards the necessity of legal English vocabularies

Chart 1 indicates the learners' attitudes towards the necessity of acquiring legal English vocabularies. As illustrated, the participants were self-conscious that legal English was very necessary in their learning legal English process. Specifically, 145 students considered legal English vocabulary as very necessary and necessary, respectively. Realizing the necessity of legal English could be one of the main motivations for the students to learn legal English terms for subsequent legal English courses.

Difficulties in learning legal English vocabulary

Table 2 shows the fifteen factors contributing to difficulties in learning legal English terminology. As illustrated, the items were divided into three categories, the first group related to the distinctive features of legal English (1-9); the second one involved the difference in the legal systems (10-12) and the third group concerned the background knowledge of learners and learning materials (13-15).

Table 2. Learners' difficulties in learning legal English vocabulary

Items	Mean	SD
1. Common words with uncommon meanings	4.18	.618
2. Double and triple synonyms	3.90	.792
3. Archaic words	4.29	.733
4. Latin terms	4.28	.845
5. French borrowed words	3.99	.782
6. Passive structure	3.80	.691
7. Nominalisation	3.88	1.063
8. Long, complex sentences	4.31	.628
9. Impersonal style	3.57	1.242
10. Highly specialized concepts	4.66	.476
11. Non-equivalent legal terms	4.38	.613
12. Unfamiliar legal areas and topics	4.29	.546
13. Lack of background knowledge of Vietnamese law	4.17	.828
14. Lack of background knowledge of Common-law traditions	4.45	.688
15. Lack of legal English learning materials	3.13	.664

In the view of the learners' belief, they all agreed that the fifteen factors listed were considered to be challenging in the process of acquiring legal English vocabulary. As seen from Table 2, concerning legal English features, the participants strongly agreed that long and complex sentences was the most difficult factor with highest mean of 4.31. Following this tendency, the use of archaic words and Latin terms in legal texts was highly recognized difficult with the mean of 4.29 and 4.28, respectively. Other linguistic features of legal English such as the use of common words with uncommon meanings (4.18), French borrowed words (3.99), double and triple synonyms (3.90), nominalization (3.88) and use of passive structures (3.80) received the high rates of agreement among participants to be problematic factors. Impersonal style stood on the last rank of the challenging factors with the mean of 3.57. In general, statistics shows that linguistic features of legal English cause great problem to learners when learning legal English vocabulary as most of the students agreed with the items included in questionnaires.

In terms of the factors relating the differences between Vietnamese and English legal systems, all participants showed their strong agreement that all three factors including highly specialized concepts, non-equivalent legal terms, unfamiliar legal areas and topics were the obstacles with the high mean of 4.66, 4.38, and 4.29, respectively. This finding is not surprising at all as the semantic domains of legal terms do not correspond with one another (Mattila, 2006). Specifically, in some cases there are no equivalent legal terms between Vietnamese and English. Consequently, the translation of legal concepts from the source to the target language was complex and may lead to severe misunderstandings (Goode, 2014).

Lack of background knowledge of Vietnamese law and English law are also the contributing factors to difficulties in acquiring legal English among participants with the mean of 4.17, 4.45, and 3.13, respectively. This fact might be explained that students at International Trade Law department are required to study legal English at the second semester of the first year when they haven't learned much knowledge on law. At the same time, the content of legal English course covers different law areas. Consequently, understanding and learning legal English terminology is extremely challenging for the majority of the learners. The students reported that they found legal English vocabulary difficult to learn due to the shortage of legal English learning

materials with the mean of 3.13. In other words, the participants did not feel totally satisfied with the provided learning materials.

5. Implications and conclusion

The study made use of survey questionnaires to investigate the difficulties in learning legal English vocabulary faced by the learners of International Trade and Business Law department. The findings showed that students perceived the distinct features of legal English, the difference in Vietnamese and English legal systems and the lack of background knowledge in law as the contributing factors in learning legal English vocabulary. These statistics suggest some pedagogical implications for language teachers in the teaching process. It cannot be denied that building a rich vocabulary is considered to be of great importance in language learning as all language skills are formed upon the words. Therefore, in a different law area, learners should be provided with a wide range of legal English exercises which covers the distinctive features of legal English, for example, the use of Latin terms, borrowed words, or common words with uncommon meaning. In the era of globalization, due to the development of technology, the Internet plays an important role in legal English classroom. Legal English instructors can make use of some websites providing legal English vocabulary, for example, *Courtprep (Prepare for court) Prepcour (jeunes qui vont à un...* (www.courtprep.ca*); Legal English Online by Translegal* (www.translegal.com/*); English Vocabulary Exercises - Crime & the Law - Exercise 1-3* http://www.englishvocabularyexercises.com/eve- exercises/EngV ocEx_crime_law_1-3.htm. Also, designing vocabulary games in the Quizzes or Kahoot after each legal English topic is a useful activity for revising vocabulary and creating a positive learning environment. In addition, before learning legal English, students should be equipped with legal background knowledge. The provision of the knowledge of a variety of law areas in the mother language is necessary for students when learning legal English. These fields include contract law, criminal law, tort law, company law, commercial law, etc., which should be introduced to students prior to legal English course to ensure that they get acquainted with basic legal terms. At the same time, English language teachers are able to get support from law experts or lecturers for the purpose of contextualized meaning of the legal terms in English.

This study, to some extent, achieves its aim to find out the obstacles to students' learning legal English vocabulary. However, the number of the participants, which included only International Trade and Business Law majors, was rather limited. The findings cannot reflect the perceptions of law majors in other contexts. Therefore, further research should be carried out in larger scale to provide more insights.

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KHÓ KHĂN TRONG HỌC TỪ VỰNG TIẾNG ANH PHÁP LÝ - NGHIÊN CỨU TẠI TRƯỜNG ĐẠI HỌC LUẬT HÀ NỘI

Tóm tắt: Tiếng Anh pháp lý, còn được gọi là tiếng Anh chuyên ngành pháp luật, là môn học bắt buộc trong Chương trình Đào tạo Đại học ngành Luật thương mại Quốc tế tại Trường Đại học Luật Hà Nội. Từ vựng tiếng Anh pháp lý được coi là nền tảng để xây dựng và phát triển các kĩ năng tiếng Anh pháp lý. Thông qua phương pháp điều tra khảo sát với 165 sinh viên ngành Luật thương mại Quốc tế, nghiên cứu này tìm ra những khó khăn mà người học gặp phải trong quá trình đắc thụ ngôn ngữ tiếng Anh pháp lý. Nghiên cứu chỉ ra rằng sinh viên nhận thấy những khó khăn trong học tiếng Anh pháp lý xuất phát chủ yếu từ những đặc điểm khác biệt của tiếng Anh pháp lý, sự khác biệt về hệ thống pháp luật cũng như sự thiếu kiến thức về ngành luật của người học. Với kết quả này, tác giả đưa ra một số đề xuất nhằm nâng cao hiệu quả dạy và học từ vựng tiếng Anh pháp lý.

Từ khoá: Khó khăn, từ vựng tiếng Anh pháp lý, Đại học Luật Hà Nội

APPENDIX

This questionnaire aims at investigating students' difficulties in learning legal English vocabulary at Hanoi Law University. This questionnaire will be used for the purpose of data analysis. I look forward to receiving your cooperation and ensure that your information is only for reseacrh purposes.

1. In your opinion, what is the necessity level of legal English vocabulary in learning legal English?

☐ Very unnecessary

☐ Unnecessary

☐ Uncertain

☐ Necessary

☐ Very necessary

2. What are the difficulties in learning legal English? Please tick (✓) your choice.

(SD = strongly disagree; D = disagree; N = neutral; A = agree; SA = strongly agree)

Items	SD	D	N	A	SA
1. Use of common words with uncommon meaning					
2. Double and triple synonyms					
3. Archaic words					
4. Latin terms					
5. French borrowed words					
6. Use of passive structure					
7. Nominalisation					
8. Long, complex sentences					
9. Impersonal style					
10. Highly specialized concept					
11. Non-equivalent legal terms					
12. Unfamiliar legal areas and topics					
13. Lack of background knowledge of Vietnamese law					
14. Lack of background knowledge of Common-law traditions					
15. Lack of legal English learning materials					

Thank you for your co-operations!