

A value-driven model for the design of a cross-cultural EALP curriculum

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This paper summarizes a work-in-progress that synthesizes language theory, pedagogical perspectives, and EALP. The primary objective is to identify, through a multi-method approach, value principles that could guide EALP curriculum development.

In their review of the textbooks used in EALP teaching Candlin, Bhatia, and Jensen (2002) classify 36 internationally-use texts into four categories: lexicogrammar based, rhetoric-based, legal content-based, and EALP books. Though criticized for being either too general or audience-specific, the shortages of this taxonomy illustrate the necessity for an integrated legal language literacy program in English first and second language (L1 & L2) contexts. However, EALP curriculum design lacks a theoretical foundation that incorporates its foundational parts: ELT, EAP, and legal language.

The study aims to create a model for EALP curriculum development, which could be achieved by following 4 steps: Firstly, theory analysis and development occur through a critical literature review of theories of language and pedagogy and perspectives on legal English. Secondly, this theoretical synthesis is followed by a qualitative content analysis that systematically identifies (con)textual properties of six EALP curricula from universities that represent the L1 and L2 spectrum. Similarities and differences among these curricula are identified based on the collection of value principles distilled from the literature review in step one. Thirdly, empirical data is gathered from representative universities, which include: the EALP instructors involved, students taking the course, and alumni practitioners. Finally, (step 1) the theoretical value principles, (step 2) the (con)textual properties of the curricula, and (step 3) the empirical survey data are triangulated and integrated to create a value-driven model for the design of a cross-cultural EALP curriculum.

EALP interest groups could use this model as a generic blueprint to tailor individual curricula for specific audiences. The model will illuminate the similarities and differences in the teaching of EALP in different cultural contexts.

Keywords: curriculum design; linguistic and pedagogical theory; legal English.

Introduction and rationale

This paper outlines the foundations of a Ph.D. in progress. In brief the introduction will direct and motivate the purpose of this study. Firstly, it positions the project and its focus on EALP (English for Academic Legal Purposes) within the broader ELT (English Language Teaching) taxonomy. Secondly, it justifies the necessity for conducting the research. The introduction

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and rationale are followed by a description of the research objectives. In order to contextualize the objectives, a theoretical positioning identifies the linguistic and pedagogical perspectives underlying the project. Subsequently the methodology explicates the triangulation of data and methods. In conclusion I shall focus on two studies with comparable foci.

English Language Teaching (ELT) serves as a hypernym that refers to a prolific field of research about English instruction. Both L1 and L2 teaching include English for Specific Purposes (ESP), which is subdivided into English for Academic Purposes (EAP) and English for Occupational Purposes (EOP).

Figure 1 shows a hierarchal diagram depicting the classification of ESP categories (Johns & Price-Machado 2001:44). The dark lines indicate the relationship between ESP and EALP, and the dark dialogue boxes position EALP and ELP at different ends of the ESP spectrum.

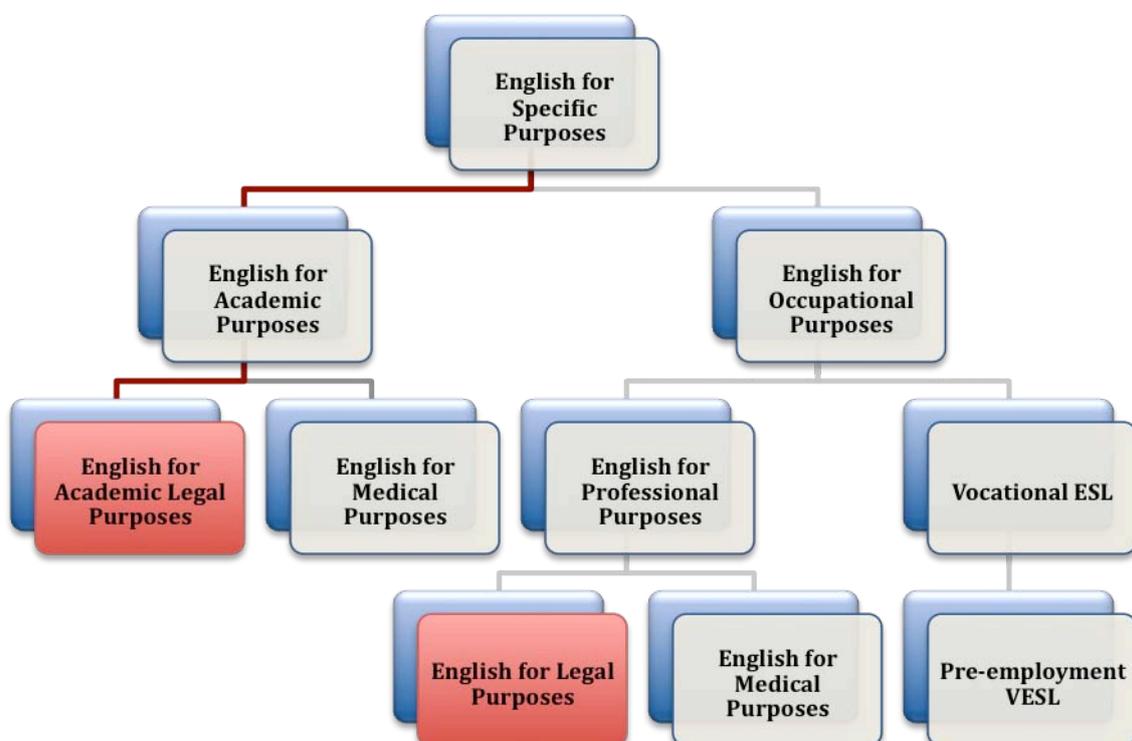


Figure 1: Taxonomy of ESP categories

The distinction among ESP, EAP, and EOP is contentious and relies on the assumption that EALP and ELP are different in their purpose, focus, and skills. According to Hyland and Hamp-Lyons (2002), EOP is different from EAP in that EOP focuses on teaching and learning for occupational purposes. In contrast, EAP grounds language research and instruction in the “understanding of the cognitive, social and linguistic demands of specific academic disciplines” (Hyland & Hamp-Lyons, 2002, p. 2). This distinction is questioned because the cognitive, social, and linguistic demands of a specific academic discipline are also present in the pursuit of its occupational purpose.

The latest trend in legal English textbook design contradicts the assumptions above. Recent textbooks subscribe partially to a skills-based approach that is, because of its practicality and use in L2 contexts, still very pertinent in ESL textbooks. For example, in both *International Legal English: A Course for Classroom or Self-Study Use* (Krois-Lindner, 2006) and *Legal English* (Haigh, 2009) the focus is on a comprehensive spectrum of skills. In contrast with older EALP textbooks (Candlin et al. 2002), recent publications seem to indicate a comprehensive approach to the teaching of legal English skills in the L1/L2 international classroom. These contemporary examples seem to merge the purposes and outcomes of EAP and EOP, rendering the distinction redundant. One could therefore not limit the scope of the study to either EAP or EOP because they appear to be the two sides of the same 'legal English' coin.

Taxonomies enable us to distinguish the proverbial trees from the forest; they also allow us to notice how the forest functions as an interconnected system. Similarly, the various branches (no pun intended) of language teaching and learning are connected by virtue of belonging to the same language (forest) and/or discipline (tree). For the purposes of this study EALP therefore straddles its teaching and learning at university (EAP) and its application in practice (EOP).

Rationale

English for Specific Purposes is abounding with research yet the subfield EALP is less explored. A number of reasons explain the research paucity:

- The level of specialty that EALP requires in its teaching and learning is one possible reason for the absence of research (Kurzon, 1997, p. 136). Educators without formal legal training could be seen as exceeding their expertise (Bruce, 2002, p. 324).
- In conjunction with expertise required in substantive law and language pedagogy, EALP is also a cross-disciplinary field that hinges on anthropology, linguistics, philosophy, psychology, and sociology (Conley & O'Barr, 1998, p. 1). The interdisciplinarity of the field could deter researchers because ties to certain institutions often encourage disciplinary specialization.
- In accordance with the interdisciplinary nature of EALP, Candlin, et al. (2002) identify the isolation in which professional genres have been researched without consideration of professional practice. An isolated view of genre undermines the interdiscursivity between professional genres and their practices (Bhatia, 2004; 2008a; 2008b; 2010).
- Legal language is notorious for its impenetrability because of its prolixity, nominalization, high incidence of prepositional chunks, and fixed verbal chunks (Wydick, 1998, p. 3). These qualities of legal language prevent outsiders from entering the discipline.

Together with the research deficit the inadequate communication and academic literacy skills of EAP students serve as foremost incentive for conducting this study. The frail reading and writing skills of undergraduate EAP students is an international phenomenon (Alaka, 2010; Larcombe & Malkin, 2008). Although the calamity manifests across disciplines and cultures, additional language groups are particularly affected (Carstens 2008; Johns 1995). However, the occurrence of weak reading and writing skills is not isolated to EAP. In fact, it necessarily implies a skills shortage in the more specialized field of EALP.

It is for this reason that Deutch (2003) conducted an empirical needs analysis to determine the priorities of EALP curricula in Israel. Because law is such a linguistically demanding course,

Larcombe and Malkin (2008, p. 319) argue for additional language support for international and domestic Australian law students. In a similar vein Edelman (2010, p. 112) argues for a foundational legal writing course for law student around the world. Such acute international appeal for the development of an EALP program confirms that law students are in need of language support.

Research objectives

Although an exhaustive list of objectives could be formulated, two main objectives maintain the research focus. The objectives are to:

- merge language theories across disciplines that could explain the dynamics of legal language in academia and practice. Achieving this objective necessitates consolidating genre-based, sociolinguistic, and social constructionist perspectives on language.
- consolidate pedagogical theory that could accommodate L1 and L2 EALP curriculum development. Although Bhatia (1989; 2002; 2008b) and Swales (1978; 1982) have introduced genre theory and pedagogy to EALP, neither has focused on developing an exclusive pedagogy for the subject. This project aims to tailor elements from the various branches of theory and pedagogy specifically for EALP.

Theoretical positioning

The study is based on theory about language and pedagogy. The language theoretical perspectives explain how language functions and how it is used to create meaning. The pedagogical foundation explains how language is taught and learned. In addition, it would be imprudent to neglect an emic view on legal linguistics. Such a view could be derived from legal hermeneutics; the subject that concerns itself with the art of legal meaning-making.

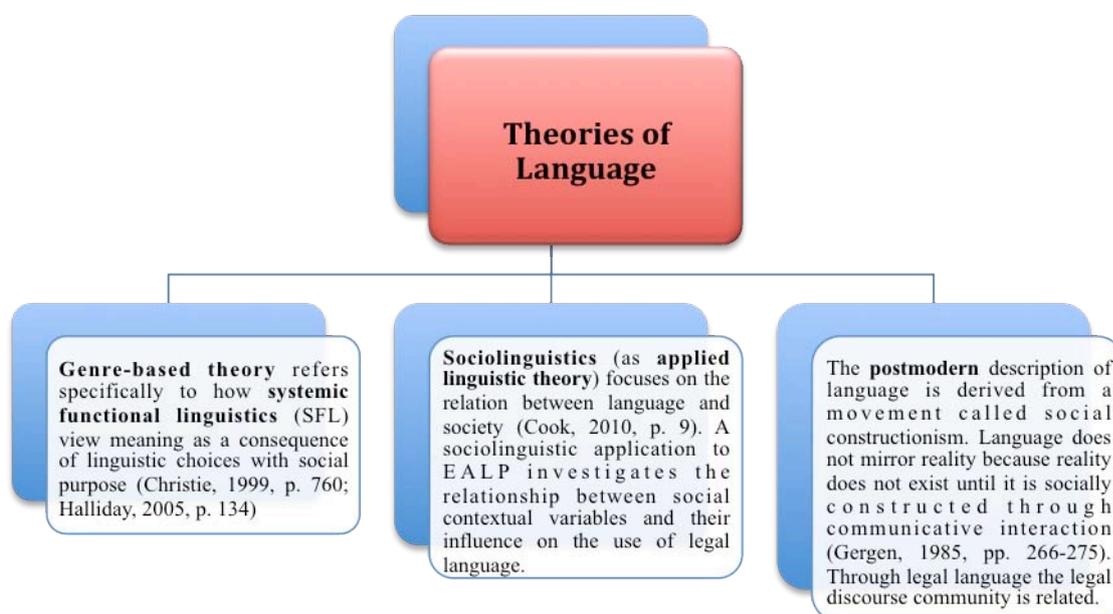


Figure2: Theories of language

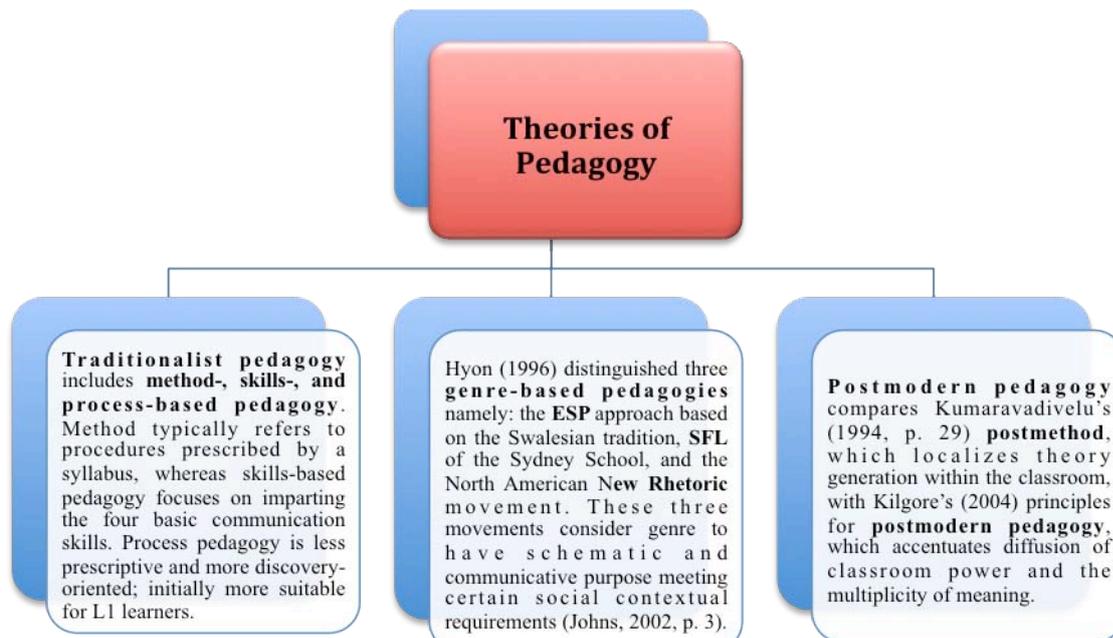


Figure 3: Theories of pedagogy

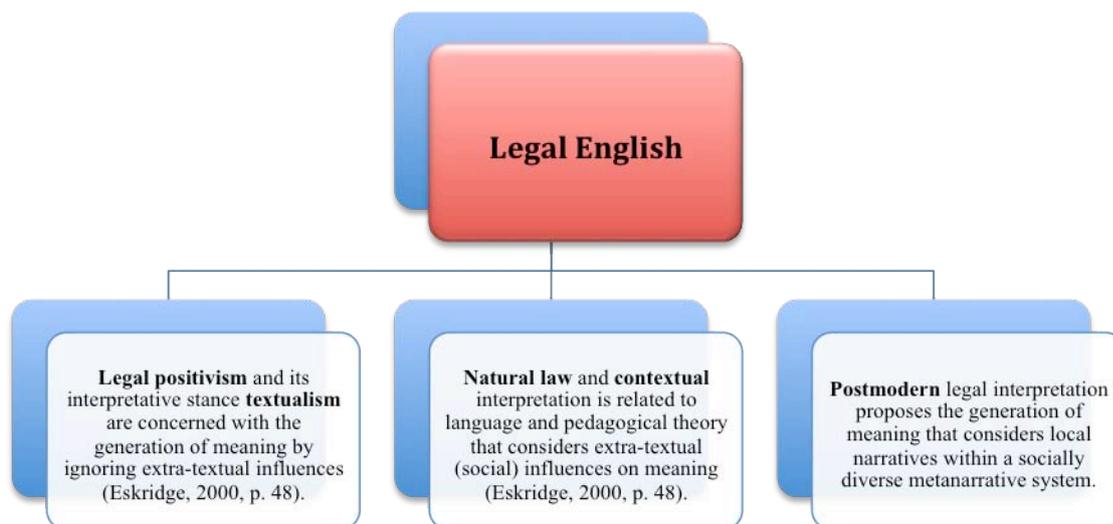


Figure 4: Jurisprudential and hermeneutical perspectives on legal language

Methodology

The figure below briefly describes the design of the methodology.

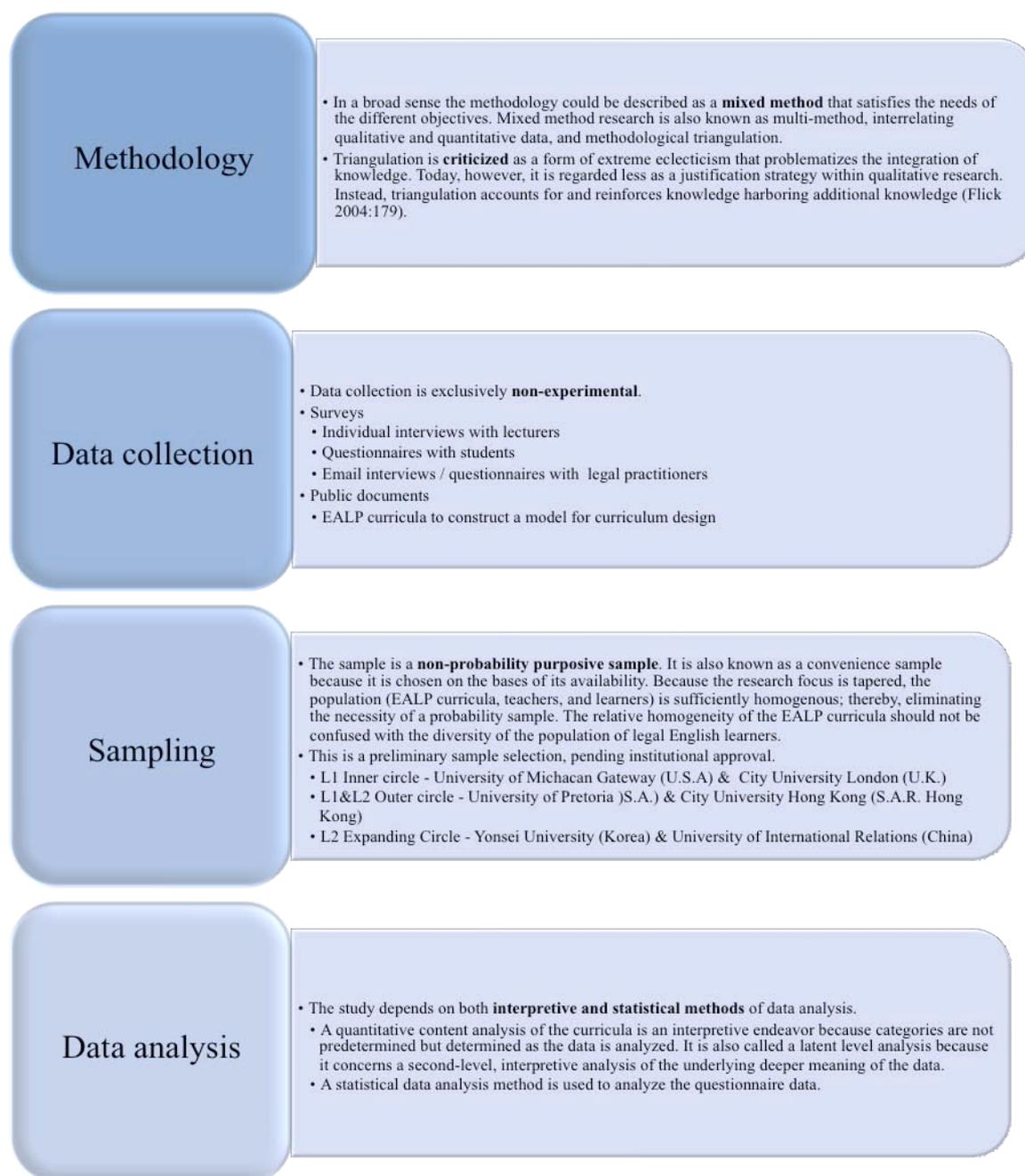


Figure 5: Method and research design

Conclusion

In their review Candlin et al. (2002) assess 37 legal English textbooks and their applicability to L2 EALP writing instruction. The review is based on a genre analysis that categorizes EALP textbooks into four groups. As an article the review is understandably limited in scope. However, since genre analysis primarily focuses on written texts it excludes by design a review of other skills. Also, their review does not recognize that legal English is essentially a second or foreign language to both L1 and L2 learners.

Deutch (2003) conducted a needs analysis of academic legal English courses in Israel. The analysis is based on questionnaires conducted with EALP instructors and legal practitioners. However, the study is limited in assessing students' needs from an emic perspective.

Language learners they might be able to provide invaluable information regarding pedagogical styles that are more or less preferred or successful.

This research project triangulates L1 and L2 EALP curricula and interest groups to explore the possibility of creating a model for curriculum development that could be applied within different linguistic and cultural settings.

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