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## Alissa J. Hartig, *Connecting Language and Disciplinary Knowledge in English for Specific Purposes: Case studies in law*

Bristol, Blue Ridge Summit: Multilingual Matters, 2017

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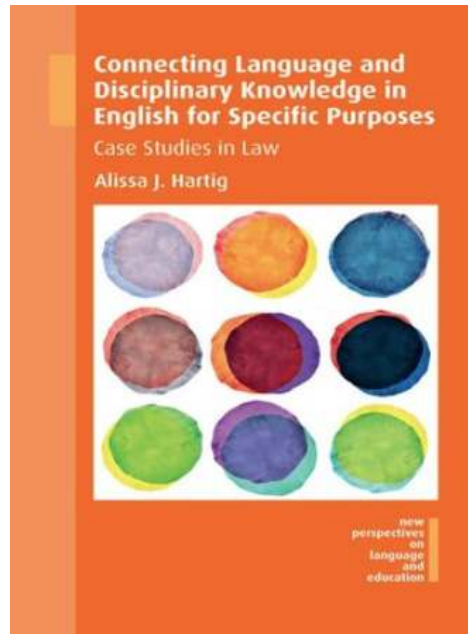
Anne-Marie Barrault-Méthy

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RÉFÉRENCE

Hartig, Alissa J. 2017. *Connecting Language and Disciplinary Knowledge in English for Specific Purposes: Case studies in law*. Bristol, Blue Ridge Summit: Multilingual Matters. 208 pp. ISBN 978-1783-09850-7.

1 This book, which explores the relationship between linguistic and disciplinary knowledge, belongs to the “New Perspectives on Language and Education” series co-edited by two major professors of language-in-education, Viv Edwards, from the University of Reading, United Kingdom, and Phan Le Ha, from the University of Hawaii at Manoa, United States. Alissa Hartig’s study is truly international in scope: it examines the development of international students’ legal writing competence, builds on her in-depth knowledge of disciplinary language and content, reflects her acute engagement in the international legal English research community, particularly legal writing, and aims at enriching discipline-specific language, whose acquisition is widely advocated (e.g. Hyland 2011).



- 2 Alissa Hartig explores how disciplinary and linguistic knowledge interact in the context of Teaching English as a Second Language. Considering the tension between language and content in ESP, particularly in law, how does knowledge of the law of non-common law countries affect the learning of English and of common law? What happens when ESP teaching builds on discourse-specific concepts in order to improve language and legal skills? The book is conceived as a breath-taking inquiry into how a focus group composed of four international students expands their legal writing skills. It is divided into two parts, followed by a conclusion and an epilogue. The first sets the theoretical framework, while the second consists in an analysis of the students’ linguistic productions.
- 3 The first chapter elucidates the main ESP concepts. Hartig distinguishes discourse-relevant concepts, which are explicit, and discourse-structuring concepts, that are more implicit. Subject matter knowledge includes disciplinary knowledge, with its two aspects, content and epistemology. The study focuses on multilingual legal writers in the United States, whose L1 and culture are commonly viewed as liabilities and their acculturation as desirable. The book aims at meeting the need for more qualitative, classroom-based research advocated by various authors.
- 4 The second chapter deals more specifically with the conceptual frameworks that shape legal genres. Analysing the literature, the author indicates that legal literacy develops by identifying authority. She adds that such literacy is not always uniform in a given national context, taking the example of France where law reasoning is taught differently at Sciences-Po and HEC. She then presents research on how experts and subexperts solve a legal issue differently, suggesting that legal English requires some degree of expertise in law. Hartig presents the IRAC (Issue, Rule, Application, Conclusion) model used at US law schools to teach legal reasoning. The structure of memoranda is commonly presented as follows: Question, Short answer, Statement of

facts, Discussion (overview of paragraphs, thesis paragraph, rule explanation, rule application, and conclusion).

- 5 Hartig reviews the literature on legal literacy of the increasing number of international Master of Laws (LLM) students in the US. She notices a gap on how students transfer their prior legal training knowledge and presents the two models that incorporate language and disciplinary knowledge in ESP for law. The first favours the learning of general syntactic structures and specialised vocabulary, thus reducing legal language to lexico-grammatical features. The second, centred on the acquisition of linguistic concepts, legal concepts and legal culture, is more comprehensive. Therefore, the development of legal literacy can be said to be deeply rooted in a discipline and a local legal culture.
- 6 The third chapter addresses methodological issues. Content-Based Instruction (CBI) was chosen as it helps connect language and legal concepts. CBI has been applied in several areas of Second Language Acquisition, particularly to a “common core” approach to genre, but much less so in ESP. The chosen discourse-structuring concept is *stare decisis*, the doctrine according to which precedent binds any future legal decision, in the context of a legal writing course on the genre of the legal memorandum in a common law jurisdiction. Precedent is a discourse-structuring concept for both linguists and lawyers, while discourse-relevant concepts are more strictly the domain of lawyers. Hartig’s theoretical framework is the cognitive linguistics theory of conceptual blending (Fauconnier & Turner 2002) that relates common law concepts to linguistic concepts such as negation, tense, and syntax. Facts from the precedent case and the rule statement are expressed linguistically and differ depending on whether the lawyer acts for the defendant or the plaintiff. Therefore, students may misunderstand the genre of the rule statement and the lawyer’s positioning. The author then describes the context of the study, which is an LLM legal writing course for international students. The course itself is composed of CBI and individual meetings to help revise assignments.
- 7 Concretely, students followed a textbook on the genre of the legal memorandum with weekly readings and writing assignments on specific parts of the memorandum. Each CBI course consisted of a presentation of a concept and of some discourse-analysis activities through in-class pair-work. Students were presented with the theoretical model, a five-circle diagram representing the mental spaces at play during the interview with a client and which include client case, definition, precedent case, office and courtroom. They were asked to relate the rule explanation paragraph to the spaces. The following week, students identified how the mental spaces were blended in each section of the legal memorandum. The CBI course was supplemented by weekly meetings that were audio and video recorded. Language professors asked law Teaching Assistants (TAs) for confirmation of the legal meaning of certain terms, and plain English legal writing was addressed separately by law professors. Legal writing classes focused on writing for the US legal community.
- 8 The second part of the book is more substantial and consists of case studies in keeping with socio-cultural theory (Vigotsky 1978), which holds that the psychological process of learning is worth investigating. Learner engagement is also considered through activity theory (Lantolf & Pavlenko 2001) which seeks to understand what an activity means to the individual. Four main participants were selected from two non-common law countries, China and Saudi Arabia, and were observed from a variety of angles,

including assignments, interactions with peers, and grades. The research examined which sections of the legal memorandum were the most difficult. Participants' contexts were considered. Changes in interpersonal functioning were also evidenced.

- 9 Chapter four deals with Hong, the first participant. Hong evolved from searching for statutes, which is irrelevant in a common law context, to being able to infer the rule based on precedent. A recent law graduate and a qualified lawyer, Hong was to move back to China after the end of the course. Pre-memo written data showed that Hong misunderstood the rule statement as deriving from statutes, instead of from case law. Her writing was also more a narrative summary than the statement of a legal principle. She went from not having a deep understanding of the genre of the rule statement, in which she expected to find the statutes, and being unwilling to accept any negative feedback on her rule statement, to gradually improving her grasp of the genre. She was also more confidently interacting with other students and with Hartig, and kept improving until the end of the semester, and she was eventually able to more substantially connect linguistic form and content and to making relevant suggestions to other students. Hartig ascribed Hong's progress to using precedent set rules in the first CBI session as a threshold concept (Myer & Land 2006), which induced qualitative and quantitative transformation of the learner, effectively making Hong more autonomous. Cognitive interference was quite high in respect of language and conventions of the genre.
- 10 Chapter five revolves around the case of Weixin whose progress, by comparison, was more limited. Weixin had more professional experience than Hong and was following the LLM programme in order to improve her English. She was able to infer a rule from precedent, knew the importance of case law and had acquired some knowledge of the concept of *stare decisis* through her background study of common law in China. This chapter focuses on the genre of the rule application paragraph. At first, Weixin failed to understand the rules of the genre and merely quoted irrelevant case law. The following assignment showed inconsistencies. Weixin, who seemed to be obsessed with form and unable to focus on content, relied on rule statements instead of writing conclusions aimed at a client; she copied and pasted whole sections of precedent cases with little coherence. Though a language lesson on comparisons helped, Weixin's writing still lacked homogeneity at the end of the semester. She kept misunderstanding the fact that the memo was aimed at a senior lawyer rather than at a client, the point of drawing comparisons between cases, and the fact that the task involved a fictitious case. She also found it difficult to draw an abstract rule from a specific case. Language wise, Weixin seemed more interested in correctness than in meaning. Her limited level of English hindered her comprehension of precedents and her writing. Her knowledge of another national legal framework interfered and made her make false assumptions, a problem not restricted to international students and common among subexperts. Hartig ascribes Weixin's limited proficiency to her legal training in her home country and to the influence of TOEFL preparation, in which she had to make binary decisions as to language correctness, irrespective of the writer's intention.
- 11 Chapter six deals with Bader, who came from Saudi Arabia, had four years' work experience and intended to take a doctorate in law to become a top executive in his home country. As a native speaker of Arabic, Bader had spent eighteen months on an intensive language programme in California. At the beginning of the programme, he was aware of how common law courts used analogic reasoning to solve cases. His ability

to carry out the tasks varied with his confidence. Surprisingly enough considering his level of abstraction, he repeatedly failed to stick to the prescribed template for the rule explanation paragraph. His writing thus appeared to be disorderly while he clearly had a deep understanding of what was expected in memos. He was able to explain why he deemed preferable an unorthodox paragraph organisation. He tried to understand the conventions of the genre rather than just what was right or wrong. At the fifth individual meeting, he produced a restatement that was too broad. He later explained that he did not know whether he should focus on those outcomes of the case that were pertinent for the client, or on more general matters. Bader showed perfectly able to derive a rule from a case, but then missed some deadlines. Overall, he acquired the legal concepts that the course targeted and saw language as a means for making meaning.

- 12 In the next chapter, Hartig describes how Alima's professional practice did not improve significantly during the semester. Alima, also from Saudi Arabia, had little professional experience and no training in writing for professional purposes. At first, she found it difficult to distinguish such legal categories as elements, crime, and factors and to decide which details from unredacted cases taken from legal data bases were relevant. Another difficulty came from her confusing prepositions. She also framed her first memorandum for herself rather than for a client, not following the conventions of the genre. Hartig then presents Alima's efforts to cope with her difficulties in understanding the genre, focusing on irrelevant details, being lost in a twelve-page case, and missing some key vocabulary. Alima failed to transfer structure across memo paragraphs, as she wrote them with no clear holding sentence, until Hartig pointed the issue, which improved Alima's writing. Alima eventually managed to produce a satisfactory memo but still lacked autonomy, excessively relying on external help and seemingly unwilling to put the necessary effort to improve. She also spent much time travelling. At the end of the course, Alima believed, like Weixin, that legal writing was more about mastering synonyms and less about legal concepts. She thus failed to fully develop an ability to "think like a lawyer" which was the objective of the course but was not matching her own personal goals, even though such objective was within her reach.
- 13 The conclusion, spanning across chapter eight and a section entitled "conclusion" examines how different learners engage differently in local discourse practices. Hong immersed in the role play and significantly improved her writing as she was learning to distance herself from her prior training. Weixin stuck to a binary approach towards language correctness, which hindered her progress. Bader internalised and used the constraints of the genres for making meaning. Alima was not interested in the non-strictly linguistic aspects of the tasks. Learners' cultural and linguistic backgrounds both helped and interfered in the development of their legal writing. Professional experience and legal training influenced task performance. The content of the legal writing course seemed irrelevant to those students who had no intention to stay in the US. Emotions also played a role in competence development. Hartig notes that the learners showed some resistance towards certain structural features of the genres, whose rationales had to be explained.
- 14 The author also reflects on her own transformations as an instructor and calls for more action-research on other discourse-structuring concept, more cognitive linguistics studies of genres, more law faculty engagement towards local writing practices. To her

mind, learners seem to misunderstand important concepts and even their discipline as a whole, which she sees as problematic. She also notices major lexico-grammatical errors, particularly as regards indirect speech. She provides examples of how to increase student engagement. In conclusion, she calls for a replication of her study in subjects other than law, and maybe less local, such as Science and Medicine.

- 15 The book makes for fascinating reading as it represents an extreme in the intertwining of language and subject-matter knowledge. From a pedagogic point of view first, the author benefited from the renewed support of such stakeholders as programme administrators, law faculties, law TAs, while certainly showing an acute awareness of the tension between language and legal content, particularly in law. While admitting that the boundary between subject matter and language knowledge is problematic in ESP in general, she makes repeated references to Howe's warning "not to tread on lawyers' land" (Howe 1993: 152). Before she started working on the study which led to the book, she had attended two semesters of the legal writing class, had already worked on the legal cases she used in her course, and had co-authored an online course on common law analysis and language.
- 16 Paradoxically, such close cooperation at local level that makes teaching so coherent is also the main weakness of the project. Language seems to be considered here as subservient to the overarching objective of helping students integrate into the US lawyers' community. On reading the four participants' profiles, though, one realises that none of them saw themselves as part of such community, but intended instead mostly to go back to their country and work in transnational organisations. The pedagogic intervention thus failed to take into account the concept of imagined communities (Norton 2001) which would have been fruitful here to anticipate non-participation. In the chapter entitled "implications for research and teaching" Hartig recognises that the course could have been more internationally focused, and suggests that the potential international students offer in an "internationalisation at home" perspective (Wächter 2003) has failed to be explored. The IntlUni Erasmus project, an academic network of thirty-eight universities that dealt with the challenges of the multilingual and multicultural learning space in the international university, published recommendations as part of its final outcomes that hinted at possible ways to meet the needs of those international students who resisted discourse-structuring concepts. Two recommendations in particular would have been relevant:

develop measures to manage and leverage diversity in order to help all actors increase their awareness of the effects of cultural diversity in the multilingual and multicultural learning space and move towards intercultural learning outcomes. (Lauridsen & Lillemose 2015: 12)

- 17 and

[d]evelop internationalized curricula, where appropriate, including internationalized learning outcomes which are aligned with adequate assessment pedagogies, to enhance the graduate profiles of students and the employability of graduates. (*ibidem*)

- 18 All along the book, internationalisation seems to be considered more of a one-way process, which Hartig admits, from the law school which gives future law professionals the keys to be international, to the students, supposedly less international. This is all the more paradoxical as the taught disciplinary concepts are relevant not just locally, but also internationally, procedural law being eventually quite similar across common law countries, which shows the unity of common law as a system.

- 19 The robust methodology remains a major quality of the book. Each case study contains numerous transcripts of interactions which allows to follow participants' progress. This will undoubtedly pave the way for further attempts to more closely link language and culture in other ESP fields, while taking into account international learners' and learning contexts.

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## BIBLIOGRAPHIE

- FAUCONNIER, Gilles & Mark TURNER. 2002. *The Way We Think: Conceptual blending and the mind's hidden complexities*. New York: Basic Books.
- HOWE, Pat. 1993. "Planning a pre-sessional course in English for academic legal purposes". In Blue, G. M. (ed.), *Language, Learning and Success: Studying through English*. London: MacMillan, 148-157.
- HYLAND, Ken. 2011. "Disciplinary specificity: Discourse, context, and ESP". In Belcher, D., A.M. Johns & B. Paltridge (eds.), *New Directions in English for Specific Purposes Research*. Ann Arbor: The University of Michigan Press, 6-24.
- LANTOLF, James P. & Anita PAVLENKO. 2001. "(S)econd (L)anguage (A)ctivity theory: Understanding second language learners as people". In Breen, M.P. (ed.), *Learner Contributions to Language Learning: New Directions in Research*. Harlow: Pearson, 141-158.
- LAURIDSEN, Karen M. & Mette KASTBERG LILLEMOSE (eds.). 2015. *Opportunities and Challenges in the Multilingual and Multicultural Learning Space*. Final Document of the IntlUni Erasmus Academic Network project 2012-2015. IntlUni, consulté le 7/1/2018 <[http://intluni.eu/uploads/media/The\\_opportunities\\_and\\_challenges\\_of\\_the\\_MMLS\\_Final\\_report\\_sept\\_2015.pdf](http://intluni.eu/uploads/media/The_opportunities_and_challenges_of_the_MMLS_Final_report_sept_2015.pdf)>.
- MYER, Jan, & Ray LAND (eds.). 2006. *Overcoming Barriers to Student Understanding: Threshold concepts and troublesome knowledge*. London: Routledge.
- NORTON, Bonny. 2001. "Non-participation, imagined communities and the language classroom". In Breen, Michael P. (ed.), *Learner Contributions to Language Learning: New Directions in Research*. Harlow: Pearson, 159-171, consulté le 6 février 2018 <[http://faculty.educ.ubc.ca/norton/Breen%20\(2001\)%20-%20Nonparticipation,%20imagined%20communities,%20language.pdf](http://faculty.educ.ubc.ca/norton/Breen%20(2001)%20-%20Nonparticipation,%20imagined%20communities,%20language.pdf)>
- VYGOTSKY, Lev Semenovitch. 1978. *Mind in Society: The development of higher psychological processes*. Cambridge, MA: Harvard University Press.
- WÄCHTER, Bernd. 2003. "An introduction: Internationalisation at home in context". *Journal of studies in international education* 7/1, 5-11, DOI:10.1177/1028315302250176

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