New Approaches to Teaching Genre-Specific German Legal Terminology

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Abstract: The article deals with the development of a workbook about German Private Law at the Law Faculty of the University of Pécs, in which the German legal terminology is taught on the basis of typical blended learning methods and authentic genres. Therefore, the structure of the workbook and its chapters (every chapter has a *relief phase*, a *preparation phase*, a *specialization phase* and an *application phase*) is introduced along with ways to deal with terms which do not have an equivalent in the given foreign language. The presented methods will not only help law students learn terminology by heart, but also enable them to apply the terminology in daily professional life. The article also reflects the experiences which challenges and opportunities can be expected, especially when working with creative methods in teaching legal terminology.

Key words: Legal terminology, professional, genre, blended learning, LSP, Private law

Abstrakt: Der Beitrag beschäftigt sich mit der Entwicklung eines Arbeitsbuchs zum deutschen Privatrecht, in dem die Fachsprache anhand von typischen Methoden des Blended Learning und anhand von Fachtextsorten vermittelt wird. Der Beitrag zeigt auf, wie man Rechtsbegriffe vermitteln kann, die in der Nationalsprache keine Entsprechung haben und mit welchen Herausforderungen und Chancen man bei der Arbeit mit kreativen Methoden im Fachsprachenunterricht rechnen kann.

Abstrakt: Článek se zabývá vývojem učebnice o německém soukromém právu na Právnické fakultě Univerzity v Pécsi, ve které je německá právnická terminologie vyučována na základě typických metod smíšené výuky a autentických žánrů. Struktura učebnice a jejích kapitol (každá kapitola má podpůrnou fázi, přípravnou fázi, fázi specializace a fázi aplikace) je tedy představena spolu s návodem, jak zacházet s termíny, které nemají ekvivalent v cizím jazyce. Ukázané metody budou nejen pomáhat právnickým studentům učit se terminologii zpaměti, ale také jim umožní tuto terminologii aplikovat v každodenním profesionálním životě. Článek také reflektuje zkušenosti s tím, které problémy a možnosti se dají zejména při práci s kreativními metodami ve výuce právnické terminologie očekávat.

1   Introduction

The importance of linguistic competence and professional expertise in the acquisition of genre-specific knowledge is beyond question – this is even more true if you do not gain this expertise in your own mother tongue (Fluck, 1992). The extensive, detailed and often seemingly old-fashioned legal terminology is not just difficult to learn for native speakers, it regularly drives non-native speakers to despair. And yet, of course, German law is also taught at universities abroad, partly as a separate field of law, partly within European or international law. In many countries, such as Hungary, there are even state exams in English or German legal

terminology as part of the curriculum. The students need to gain the knowledge and skills to understand and analyse legal content in German as well as to explain and to reproduce it in the right context. Since students come into those language courses with very different foreign language skills, LSP departments must be prepared for learners studying for the state exams with language skills between A2 and C1. Especially working with students with little knowledge of the language can lead to significant challenges.

1.1 Legal jargon is unambiguous

Specialized language is generally understood to be a set of linguistic resources used in a definable professional communication range in order to ensure communication between people working in this field (Hoffmann, 1985). For legal jargon it is even more important to learn and to apply a precise and differentiated terminology because in law there is a very close link between language and the underlying legal substance (Wüster, 1991). Even though it is not always easy to understand the criteria that define legal language, such as clarity, unity or even power, control and jurisdiction (Bhatia, 2012), legal jargon is unambiguous and it is 'the lawyer's tool': both in writing, as well as in the interpretation and application of legal texts, in the interpretation of contracts or in scientific discussions within the discourse community.

Ideally, foreign students bring not only a high level of competence in general language, but also the motivation to learn an extensive, and partially outdated vocabulary. However learners cannot even rely on excellent general language skills, because many common terms have an entirely different meaning in the legal context. For German lawyers it can still make a difference if someone commits 'homicide' or 'murder', if someone 'owns' or 'possesses' something or if he 'hires' or 'rents' something (for many German examples: Kühn, 1998). Against this backdrop, you have to give the students a very extensive vocabulary and you have to refrain as much as possible from the synonymous use of certain terms in similar, but not identical situations, even if this means more effort. In professional life the other members of the same discourse community will rarely take into account whether the user is a native speaker or learner between B1 and C1. Above all, these members want to avoid any misinterpretation, as misinterpretations, e.g. in contracts, can cost a lot of money. Therefore, they would count on clarity and precision and would show little willingness to compromise in linguistic matters (Tinnefeld, 1996).

1.2 New methods such as blended learning in language teaching

In part, the substantial changes in methodology and didactics do not stop in the specialized language instruction. Above all, blended learning has made a big

contribution in the past few years in stimulating and motivating learners to link terminology with professional expertise and to internalize the terms more deeply. A clear advantage is that learners would get fresh impetus through using different media, the effectiveness and flexibility of electronic forms of learning are thus combined with social aspects of face-to-face communication and practical learning methods. Ideally, study partners would communicate with each other online even outside the classroom. The advantages of blended learning lie just in linking modern media with classical teaching material from traditional classroom trainings (Sauter, Sauter, & Bender, 2004).

The department of LSP at the Law Faculty of the University of Pécs had the chance to successfully develop several blended learning programmes in the context of a European TAMOP project in the past two years. In these programmes the students learn the necessary facts for the curriculum in German and Anglo-American law with the help of various types of tasks in a playful form. Therefore, a great deal of attention was given to ensuring that in addition to interactive games and links, audio and video files on the internet (e.g. via Youtube, media libraries or government websites) were also integrated, to provide further incentives for the learners (Pókay, 2015).

Blended learning, however, is not a panacea in teaching genre-specific terminology. When working with blended learning at the Law Faculty of the University of Pécs it was particularly noticeable that the variety of available exercise types is very limited in license-free software like *HotPotatoes* and *exeLearning*. There are only a few meaningful applications apart from cloze tests and matching tasks that can connect the learners to work together on a task. And even with the mentioned exercise types it is difficult to convey the terms in an authentic context and teach a free reproduction of terms with feedback. The students would have short-term successes with matching exercises, but they would not note down and internalize the terms as they did before. And they would often learn the terms only by heart without really understanding the content of the texts they had read, let alone be able to apply and reproduce it (Sing, Peters, & Stegu, 2014). For example, in simulation tasks it often turns out that the students know all what they need to know to solve the task. Yet they cannot apply their knowledge, as they only learned the theories, but never saw a realistic problem from practice before, such as writing a simple letter to a client. It also became clear that the magical classroom bond between teacher and student could not be replicated through communication technology. In addition, there are of course problems with the spatial and technical equipment for parallel courses for up to 20 students.

1.3   Integration of blended learning methods into print media

Based on the collected experiences with blended learning, a print version (workbook) is currently being developed in which the benefits of blended learning

should be united as sensibly as possible with classical teaching materials. For example, media such as the Internet should be incorporated into the teaching material at least indirectly, according to the technical possibilities. Another focus is on providing authentic genres, in which the learners usually show a keen interest. On the basis of realistic genres (mainly standard contracts, standard letters to clients or the court, decisions and, last but not least, the legal code itself) the students learn how to deal with legal problems in practice. Furthermore, the students have a lot of practical examples of typical genres brought to the fore, which they are likely to encounter in their later career. This article aims to reflect the experiences which challenges and opportunities that can be expected especially when working with creative methods in teaching legal terminology and the introduction of professional genres in the teaching material.

2 Material and Method

First, for the integration of blended learning concepts into classical teaching material it is desirable to have an extensive methods and tools framework with different media. In the age of smartphones (with access to the Internet, Youtube, photography and voice recorder), the learners conveniently have their own toolbox with them, usually around the clock. This is why the focus is more on how to develop work instructions that make learners use their own tools.

At the Law Faculty of the University of Pécs the teaching material for German for legal purposes has thus been collected by two lecturers in an interdisciplinary way. The author is a qualified lawyer. He is, therefore, primarily responsible for the professional content of the material. Since he is a native German speaker, he also specifies which terminology has to be taught in any case, which terminology would still be useful to learn and which terminology can be disregarded. In the didactic content he is assisted by an expert in teaching German as a foreign language who is also a trainer in the use of modern communication media at the German *Goethe-Institut*.

The author, therefore, has an extensive collection of material for both the theoretical and practical training of lawyers, as well as for didactic teaching. The authentic professional genres (case files, client letters and court decisions) belong to a corpus of the legal training department at the Higher Regional Court of Berlin from the years 2008 until 2011 and were subsequently made anonymous. In addition, the author can draw on his extensive own teaching materials from recent years.

2.1 Structure of the workbook

The law students should learn the (German) legal terminology on the basis of the areas of private law which might be the most relevant areas in their daily professional life (civil law, commercial and corporate law, labour law). Therefore,

the volume consists of three parts with a total of 20 chapters (10 chapters about civil law, 6 chapters about commercial and corporate law, 3 chapters about labour law and 1 chapter about civil procedure) in which the necessary terminology and the substance of the relevant area of the law can be developed in the course of two semesters. The authors are aware that a legal terminology course cannot replace complex legal studies in Germany. This is why they deliberately refrained from going too deeply into the details and special legal problems. The aim is that the students should be able to truly understand the contents of a legal subject, to explain them to others and to reproduce similar genres in their professional life, even if they do not understand every single word.

Each of the chapters has the same structure: In a *relief phase* learners are given the opportunity to adjust mentally to the new topic in their already existing vocabulary of general language use. In a *preparation phase*, they get to know the absolutely necessary terms, where they need to understand the specialized content. With the help of smaller games and exercises their vocabulary is extended and further internalized. In the ensuing *specialization phase*, the learners must be enabled to understand, summarize and reproduce the chapter's subject content with the help of authentic genres. In an *application phase*, they are then asked to apply the learned vocabulary in practice. In each chapter a realistic professional genre (contract, court decision, client letter) is provided in a context which allows the learners to reproduce the terms in an appropriate way. A monolingual vocabulary list at the end of each chapter also helps the learners to learn the terminology for the specific topic.

2.2   Use of legal texts and (professional) genres

Text writing and comprehension is a key skill of learning LSP. The acquisition of knowledge in different fields of law assumes that learners are able to gain legal knowledge from authentic professional texts, to combine the content with their existing knowledge and to properly reflect it, both, orally and in writing (Schmölzer-Eibinger, & Langer, 2009). However, experience shows that for many students it is not easy to read longer texts about less familiar topics, to understand and to bear them in mind. Therefore, for the comprehension of specialized texts it is absolutely necessary to provide the most important terminology to the learners before reading the text and to deepen it with small exercises afterwards.

In teaching legal terminology it is particularly important to consider that the learners not only have to be able to detect the facts receptively and to reframe them in a way that is understandable to both the client (who is a legal layperson) and also to members of the same discourse community, in a way that ensures that they interpret the information in a uniform way. This is why the learners not only have to take the step from terminology to specialized texts, but also the step from specialized texts to (specialized) genres (Baumann, & Kalverkämper,

1996). Here attention needs to be drawn to the fact that professional text genres in language instruction are characterized by a number of criteria. They are conventionally applicable examples of complex linguistic operations which have found their way into our everyday knowledge as typical compounds of situational, communicative-functional and structural characteristics (Hoffmann, 1998). They are a special class of genres, where in addition to everyday knowledge, additional expertise is also required (Hoffmann, 1998); they – even if legal terminology is unambiguous – can be perceived differently, depending on the composition of the discourse community. This is even more true if the discourse community consists of members coming from different legal systems (Bhatia, 2015).

When integrating professional genres into the teaching materials, it has to be considered that generic norms might differ from those in the learner's home country. Ideally, the tasks motivate or require the students to draw a comparison with local professional genres of the same type. At the same time, the tasks should not overstretch the learners' language skills and should nevertheless remain realistic, even if that means a slight didactical reduction of "authentic" genres. When working with professional genres it must be made clear to the students that in order to understand and reproduce a specialized genre they do not necessarily have to understand or even translate every single word of it. A general consideration is that the workbook is (only) intended to provide the necessary terminology and an understanding of the essential subject content in the first place. While general language grammar exercises are offered in connection to the legal terminology, the authors deliberately did not include any translation tasks.

3   Results

For the *relief phase*, classic didactic methods from the general language teaching turned out to be useful. They should motivate the learners in a creative way to discuss their own experiences of the following topic together with a learning partner. In addition, there are also visual methods such as word lists, cloze tests, word puzzles, image sequences, trouble shooting, training posters, mind maps, concept networks, block diagrams, sentence and question patterns, illustrated stories, word puzzles, structural and flowcharts, thesis pots, dialogues, learning aids, Domino, Memory, dice games, card queries, cards tables, negotiation, learning slices, quizzes, learning stations, debates and others (cf. Leisen, 2003).

These methods can also be applied in the *preparation phase*, supplemented by the professional terminology. For this purpose, it is useful to give the learners a helping hand, such as providing short definitions of the most important terms. Although matching tasks have the appeal of giving learners concrete results in a short time and thus a sense of success, experience shows that students do not engage more deeply with the vocabulary – they neither write it down, nor in-

Fig. 1: *Examples of relief exercises (Schneider, & Jaszenovics, in print)*

ternalize it. Therefore, those types of tasks in which learners have to work with the terms are more useful. In this phase, those legal institutions that do not exist in learners' own jurisdictions or vary in their content and thus cannot be translated 1:1 must be explained. Those terms must be so filled with meaning, that the learners are later able to understand also the related concepts behind them (for example in the German distinction between *rechtshindernden*, *rechtsvernichtenden* and *rechtshemmenden* objections in the German Civil Code). Therefore it also makes sense to have types of exercises in which the learners have to work with the terms.

Fig. 2: *Examples of preparation exercise (Schneider, & Jaszenovics, in print)*

The *specialization* and *application* phases are also necessarily concerned with understanding complex legal and not always simple texts. Even if the learners were made familiar with the most essential terms in the *preparation* phase, they still might not understand the texts without further notice. Therefore, it has proved to be very helpful to give the students simply formulated summarizing questions or short texts, which motivate learners to read the legal text several times.

Fig. 3: *Types of tasks for the specialization and application phases (Schneider, & Jaszenovics, in print)*

Also in print books interactive learning can be promoted by certain types of exercises which have to be designed in a way that the learners can work on them with the help of a smartphone or another learning partner. One of the benefits in these exercises is that the learning partners continuously train their linguistic expression and can discover and correct their mistakes together. This includes the use of other media when working on the tasks. For example, among trivial questions and quizzes can be such questions, which can only be answered with the help of other used media (newspapers, textbooks, Internet). The use of these media may also be combined with the workbook itself. The benefit of working with realistic genres is obvious: the learners learn how to understand, summarize and reproduce important documents which might occur in their later professional life (Hoffmann, 1998). Ideally, the tasks motivate learners to pick up similar kinds of texts in their own native language to compare them with the learned genres.
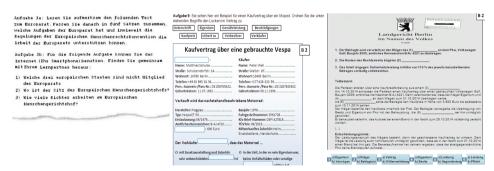

Fig. 4: *Examples of interactive exercises and authentic genres (Schneider-Jaszenovics, in print)*

4   Discussion

Designing suitable teaching material in specialized language in an interdisciplinary collaboration opens a wide field of potential problems, uncertainties and

opportunities. Above all, the parties involved must always be aware of their own blind spots. The legal professional expert has only limited didactic skills in teaching LSP and the language instructor only limited professional skills. And then there is still the challenge of the legal terminology's accuracy. Legal professional lecturers have to learn to get along with certain deficiencies or linguistic problems and should concentrate on the basics and for example to enable the learners to understand and reproduce the essence of genres instead of translating word by word. This is why even authentic genres can be moderately simplified for didactical reasons as long as they still represent a typical example. On the other hand, they have to be aware that the use of imprecise terms, synonyms, everyday language or simply false terminology can lead to misunderstandings and therefore can have serious legal consequences (Schneider, Fogarasi, & Riepert, 2014).

This is why the teacher has to find a good balance, which terminology has to be taught in any case, which terminology could be still useful to learn and which terms can be disregarded. To some extent, such 'linguistic compromises' are an integral part of teaching LSP anyway, e.g. when dealing with legal terms or principles that are not known or have a different meaning in the foreign law system (Campana, 2000). In this context the students also have to learn that the studied genre could differ from similar genres used in their home countries, and that a similar discussion in another discourse community could require different terminology and professional contents (Sandrini, 1996). Due to different language levels among the learners, tasks and genres should be selected with different difficulty levels from language competence B1 to C1. In the end the learners should be able to deal with authentic genres and their terms, so that they can use them verbally and in writing in their subsequent everyday professional life.

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