

Research on the Characteristics of Legal English Vocabulary and Learning Methods from a Cognitive Linguistics Perspective

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Abstract

Legal English as an important branch of professional English, plays a crucial role in globalization and international communication. This article aims to explore the characteristics of legal English vocabulary and propose learning methods under cognitive linguistics to improve the teaching and learning efficiency of legal English vocabulary. Firstly, this article analyzes the characteristics of legal English vocabulary, including its professionalism, rigor, and diversity. Secondly, it introduces the application of cognitive linguistics in the learning of legal English vocabulary, emphasizing the importance of improving learning efficiency through cognitive learning strategies. This study aims to enhance the teaching and learning efficiency of legal English vocabulary, thereby facilitating the development of professionals in legal English and advancing international communication.

Keywords

Legal English, the characteristics of legal English vocabulary, learning methods, cognitive linguistics.

1. Introduction

In the contemporary era characterized by globalization and informationization, legal English has emerged as a specialized language of significant importance not only within the legal field but also in academic circles, commercial sectors, and international interactions. As international communication deepens and legal systems become increasingly complex, understanding and mastering legal English have become crucial. However, compared to general English, legal English is not only richer in vocabulary but also encompasses complex legal concepts and grammatical structures, thereby imposing higher demands on learners. In this context, the importance of interdisciplinary research is highlighted. Legal English, as an interdisciplinary domain bridging law, linguistics, and language education, offers valuable insights into the linguistic characteristics and specialized meanings of legal English vocabulary. Moreover, such research can provide comprehensive and effective guidance for the teaching and practical application of legal English. Therefore, this study aims to explore the features of legal English vocabulary and learning methods from Cognitive Linguistics, with the objective of offering theoretical and practical references to enhance learners' proficiency in legal English.

2. Characteristics of Legal English Vocabulary

2.1. The Specialization of Legal English Vocabulary

2.1.1. legal terminology

Legal terminology is specifically designed to ensure the certain clarity of legal concepts. Unlike oral English, legal English contains numerous specialized and specific terms, many expressions are also fixed and unchanging. This reflects the professionalism, rigor, accuracy, and

definiteness of the legal English. For example, Affidavit (a written statement made under oath by the person making the statement, often used to prove certain facts or provide evidence), Complaint (a legal document filed by the plaintiff to initiate a lawsuit, detailing the plaintiff's claims and requested remedies), Discovery (a stage in civil litigation where both parties can request evidence and relevant information from each other). Therefore, scholars should be well acquainted with relatively fixed vocabulary in legal English thoroughly during their studies in order to avoid issues such as improper translation and confusion in memorization.

2.1.2. Formal Vocabulary

Legal English tends to use solemn and formal vocabulary rather than colloquial or informal terms. For example, 'because' might be replaced with 'in view of' or 'due to'. Furthermore, the sentence 'Because of the weather, the hearing was postponed' can be modified to 'In view of inclement weather, the hearing was rescheduled'. By using a formal vocabulary, legal documents are able to demonstrate the necessary authority and seriousness, which is essential for maintaining the authority of the legal text.

2.2. The Precision of Legal English Vocabulary

2.2.1. Retention of archaic words

Archaic words in English are those that are less commonly used in modern English, but were common throughout history, especially in the Medieval English or Early Modern English periods. These words are often replaced by more common and modern synonyms in modern English, but they are still found everywhere in all kinds of legal documents and constitute the lexical features of legal English to reflect the refined and rigorous language of legal documents and the authority, seriousness and formality of legal texts. This kind of archaic English mainly consists of adverbs 'here, there, where' plus prepositions 'by, after, on, from, to, in, etc.', such as 'hereto, thereof, thereto, whereby, etc.' To analyse 'hereto' as an example, it is a compound preposition composed of 'here' and 'to', meaning 'to this'. In legal documents, it is often used to refer to the terms of a contract, agreement or other legal document.

The parties agree to be bound by the terms and conditions set forth hereto.

In this example sentence, 'hereto' is used to refer to the entire document or to a specific clause mentioned earlier, indicating that the parties agree to abide by all of the previously mentioned terms and conditions. This usage can help ensure the accuracy of legal language.

2.2.2. Prepositions or prepositional phrases (time represented by different prepositions)

The use of prepositions and prepositional phrases in legal English is essential to ensure the terms' precision and rigor. Legal documents need to clearly and unambiguously express the various rights, obligations, conditions and restrictions between different entities. Legal texts usually have three components: assumed conditions, modes of behaviour, and legal consequences. Assumed condition is the premise or state of fact specified in a legal rule for the application of the rule. The existence of assumed condition makes a large number of conditional sentences appear in legal texts, except for common if statements, legal English prefers to use prepositional phrases or other structures to express assumed conditions, such as 'in case of (when a particular situation or event occurs, the rules of law will apply)', 'in the event that (stress the possibility of something happening)', 'provided that' (used to indicate that a rule of law will apply when certain conditions are met), 'where' (when used to introduce a hypothetical condition in a legal provision) etc to replace the word if in order to increase the formality and accuracy of the text and to show the rigour of the law.

Modes of behaviour are legal rules that specify what people are required to do, prohibited from doing, or allowed to do, and how they should behave. When used to describe the manner or means of behaviour, 'by means of' (through the way of..., can introduce a specific way of

behaviour); when used to indicate the event or sequence, can be used 'before', 'after', and prepositions are used very precisely in legal English, as analyzed below:

a. The report must be submitted before the end of the month.

Before: It is used to indicate something that happens before a certain time, and here 'before' specifies the time before the deadline.

b. The meeting will take place after the conference.

After: It is used to indicate something that happens after a certain time. In this case, 'after' specifies a time after a point in time.

Legal consequences refer to the evaluation that the law gives to people's behaviour when the assumed conditions are met and they behave according to a pattern of behaviour. The evaluation may be positive (the behaviour is recognized as lawful and valid) or negative (the behaviour is invalidated and the offender is sanctioned or punished by the law). In the expression of condition or premise, you can use 'provided that' (if, as long as), 'upon' (on top of), etc. To analyse 'upon' as an example, 'A person shall be entitled to compensation upon proof of damage caused by negligence.' The use of prepositions and prepositional phrases helps the legal provisions to express legal requirements and legal effects more rigorously and specifically.

2.2.3. Word Parallelism

Word juxtaposition is a common sentence pattern in legal English, which refers to the structure in which two or more words, phrases or sentences of the same or similar composition are connected by juxtaposed conjunctions. Simply put, it means that two or more words with similar or identical meanings are used to form phrases to express concepts in law that could have been expressed with only one word, and this structure can make the sentences clearer and more organized, which can help to express complex legal concepts and regulations and reduce misunderstandings and disputes. Examples include 'rights and interests', 'full and complete', 'cease and desist', 'aid and abet', etc.

Analyse the following sentences as an example to illustrate the juxtaposition structure in legal English vocabulary:

'The court shall protect the rights and interests of all parties involved.' The court shall protect the rights and interests of all parties involved. In the context of legal English, translating as 'rights and interests' indicates that 'rights and interests' are not limited to obvious, defined legal rights but extend to any form of benefit, whether or not these benefits are currently clearly defined or recognized. This usage reflects the legal language's attention to detail and its comprehensive protection of the parties' interests, including both statutory rights and benefits that may not be specifically defined but still require protection. This helps to reduce interpretative uncertainty and avoid ambiguity.

2.2.4. Modality in Legal English

In legal English vocabulary, modal verbs such as 'shall', 'may', 'must', 'should' and 'will' are commonly used to indicate actions that individuals are required or permitted to undertake. Modal verbs, also known as modal auxiliaries, reflect a speaker's view on the action or state described, or indicate subjective considerations (Zhenbang Zhang, 1986). In legal English, the term 'party' is unavoidable, and the rights and obligations it entails are focal points in legal language. For instance, 'shall' is a term denoting mandatory duties, as in 'The tenant shall pay rent on the first day of each month', while 'may' signifies permission or authorization, as in 'The parties may modify the terms of this agreement by mutual consent'. Modal verbs are crucial in legal discourse for conveying formality.

2.3. The Diversity of Legal English Vocabulary

Common Law and Civil Law are the two major legal systems in the world, and they differ significantly in legal vocabulary, legal procedures, legal writing styles, legal terminology, etc. The common law system has its origins in England, which emphasizes the importance of case law, while the civil law system has its origins in Roman law, which underlines the systematic and logical use of statute law. The Common Law system originated in England and emphasizes the importance of case law, while the Civil Law system originated in Roman Law and emphasizes the systematic and logical nature of written law. For example, the common law term 'tort' may not have a direct equivalent in the civil law system, but is described through a series of specific torts. In addition, it is difficult to find a direct equivalent for the common law concept of 'equity' in civil law systems, which do not usually distinguish between common law and equity. Another example is that in common law systems, a court judgement is usually referred to as a 'judgement' or 'ruling', whereas in civil law systems it is usually referred to as a 'judgement' or 'decision'. The term 'pleading' in the common law system refers to a statement of claim or defence, while in the civil law system it is usually referred to as a 'memorandum' or 'statement of defence'. memorandum' or 'brief' in civil law systems.

3. Approaches to Learning Legal English from a Cognitive Linguistics Perspective

3.1. Basic Concepts of Cognitive Linguistics

Cognitive linguistics is a novel linguistic discipline that studies the relationship between language and cognition based on new philosophical and cognitive perspectives, focusing on how people perceive and conceptualize the world. It offers many valuable theories and viewpoints that have significant inspiration for learning and teaching legal English vocabulary. Cognitive linguistics posits that language is a manifestation of human thought, while vocabulary being crucial to language and one of its most fundamental components. Additionally, the acquisition and use of vocabulary are closely related to human cognitive processes. Therefore, understanding the basic theories of cognitive linguistics is essential for improving the effectiveness of learning legal English vocabulary. From the perspective of cognitive linguistics, language acquisition is driven by general cognitive abilities (understood as applying cognitive skills), with specific semantic pairings as the objects of acquisition (understood as deducing meanings of words or sentences from specific contexts), and repeated usage as the method of learning (which involves utilizing the learner's initiative and actively employing this approach in learning), resulting in an insightful acquisition process of concepts and linguistic rationale.

3.2. The Application of Metaphor and Metonymy from a Cognitive Linguistics Perspective

One of the fundamental theories of cognitive linguistics is the Cognitive Linguistic Theory, which posits that language functions as a cognitive tool reflecting human thought processes and worldviews under philosophical foundations.

In the context of learning legal English vocabulary, this implies that students must understand the specific cognitive frameworks and the inherent conceptual systems in the legal field to comprehend and retain legal terminology better. For example, concepts such as 'rights', 'obligations', and 'responsibilities' in legal terminology are constructed based on particular legal notions and values. Students need to grasp the nuances and extensions of these concepts through the lens of cognitive linguistics, particularly by examining 'metaphors'. Taking 'obligations' as an example, this concept in legal contexts is often metaphorically represented as a 'debt' or a 'bond'. This metaphor reveals that obligations are viewed as burdens that must

be fulfilled. For instance, when one person contracts with another, they assume mutual obligations to perform the contract's terms, which can be perceived as a 'debt' relationship between the parties.

Recent cognitive science research indicates that categories are based on human cognitive structures rather than directly corresponding to the external world. Concepts formed on this basis are defined not by direct relationships with the objective world but by human perception, kinesthetic abilities, and cognitive capacities. While metaphors have traditionally been seen as merely figurative expressions, more evidence now supports that metaphors are universal and complex. Concepts and metaphors are central to cognitive linguistics and play a crucial role in memorizing legal terminology. In legal English, many conceptual metaphors originate from everyday life or other domains. Applying these conceptual metaphors to legal terms can aid students in more easily memorizing and understanding these terms. For instance, the metaphor of 'law as war' includes:

Prosecution: In legal contexts, 'prosecution' is akin to an offensive in warfare, where the plaintiff is the attacker and the defendant is the defender.

Defense: In law, 'defense' represents actions taken to counter charges, similar to defensive maneuvers in battle.

Battle: The term 'battle' in litigation may refer to particularly intense or pivotal moments, akin to decisive battles in warfare.

3.3. The Application of Word Formation from a Cognitive Linguistics Perspective

In learning legal English, the application of cognitive linguistics extends beyond understanding vocabulary and conceptual metaphors to deepen comprehension and retention of legal terms through morphological patterns. One crucial theory in cognitive linguistics is Morphological Theory, which studies the internal structure and changes in vocabulary. Accurate use of vocabulary is key to ensuring clear legal meaning in legal documents or conversations. Consequently, many legal terms are formed through morphological processes such as prefixes, suffixes, and compound words. Understanding morphological theory can aid students in better grasping and remembering these terms' formation and usage. For example, in legal terminology, the prefix 'un-' signifies negation, as seen in terms like 'unlawful'. Students need to master these morphological rules for efficient and accurate use and memorization of legal vocabulary. Similarly, suffixes often change word classes, such as '-ment', which transforms verbs into nouns (e.g., 'develop' to 'development'). Compound words, such as 'criminal law', combine two or more words to form new terms, reflecting the scope of their content directly.

In practical application, students can better memorize and understand complex legal terms by breaking them down. For example, the seemingly complex word 'antidisestablishmentarianism' becomes clearer when divided into 'anti' (against), 'disestablishment' (the removal of established institutions or customs), and '-arianism' (a suffix denoting a belief or ideology). This breakdown reveals its meaning more transparently: a belief or ideology opposing the removal of established institutions or customs.

Teachers can enhance this process by designing morphological activities, such as word formation analysis or morphological contests, and by prompting students to consciously recognize and remember words from their roots and affixes. For example, with the English word 'disappointment', teachers can illustrate how morphological analysis aids in memorization and comprehension. Breaking down 'disappointment' into 'dis-' (a negating prefix), '-appoint-' (a root meaning 'to designate' or 'to arrange'), and '-ment' (a suffix turning verbs into nouns) helps students understand its meaning. Creating a story or association, like imagining waiting for a friend who does not show up and feeling 'disappointment', further aids

in retention. Applying the word in sentences, such as 'After waiting for an hour, the disappointment was obvious on his face', reinforces understanding and memory.

The above methods indicate that morphological theory in cognitive linguistics provides powerful tools for learning legal English, making the process not only more efficient but also more engaging and insightful. This approach underscores that vocabulary is not an isolated entity but part of an internally coherent system, a crucial understanding for in-depth legal English study.

4. Conclusion and Prospect

Through this study, we have thoroughly explored the significance of cognitive linguistics in understanding and mastering legal English vocabulary. Our research found that, for legal professionals, understanding knowledge from other academic disciplines is just as crucial as mastering legal principles. Cognitive Linguistics aids in the analysis and interpretation of complex legal issues and enhances adaptability in multidisciplinary contexts. Based on these findings, we recommend augmenting cognitive training within legal education to assist legal professionals in better comprehending and applying legal English. Additionally, specialized training programs and practical opportunities focused on legal English should receive increased attention to improve the linguistic capabilities and legal comprehension of legal professionals.

Future research directions and potential areas for scholarly exploration include investigating the impact of various academic disciplines on the understanding of legal English and exploring methods for integrating cognitive linguistics to enhance the overall competencies of legal professionals. Furthermore, focus on the application of legal English in international legal contexts and strategies to improve the efficacy of legal communication between different countries adequately. Through continuous research and practice, legal English education and practice can be constantly improved to provide better support and training to legal professionals, thereby enhancing their language proficiency and legal understanding, making a greater contribution to the development of the legal field.

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