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## LINGUISTIC AND COMMUNICATION SKILLS IN THE PEDAGOGY OF LEGAL, PARALEGAL AND OTHER VOCATIONAL COURSES: DEVELOPING A NEED- BASED CURRICULUM



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### ABSTRACT

Unarguably, the world is a global village today, and language and communication string together varied political, educational, medical, technological, technical, social and economic interests across the globe. In this scenario, not only vocational and technical, but, also, language and communication skills play a very significant role in creating employable human resources. Further, English is prominently an international language of communication. This paper attempts to propose a need-based curriculum of Linguistic and Communication Skills in vocational education.

**KEYWORDS** :Linguistic skills; communication skills; pedagogy; legal, paralegal, and vocational education; jobs; neo-literates; illiterates; curriculum; English language.

### INTRODUCTION

ESP studies, as early as 1914, shifted the academicians' paradigm from academic proficiency to real life occupational usability of learning. In an article titled The Ideal Course in English for Vocational Students, Cody (1914) says that the 'watchword' of all vocational training is 'Learn how to do things'. Further, that the real test of knowledge lies in the learner's ability to 'instinctively and automatically' apply the knowledge. In modern times, Maslow's theory of the Hierarchy of the Needs (1954) and vast progress in the field of Linguistics opened the floodgates to an altogether new approach to language teaching: One that gave up the preoccupation with what the teacher thought and did. Varied approaches from Direct Method to Communicative Language Teaching and Total Immersion, all converged to bringing the learner to the centre of the learning environment. Another landmark

achievement of this new thinking was its recognition of English as primarily a tool of communication and not a vestige of British rule that came with its concomitant emphasis on sounding as close to the native speakers as possible. Resultantly, the need for changing the outlook towards syllabus design was recognised. The language teacher's role too changed drastically from being the sole ruler of the English classroom to a facilitator of language skills. Theoretical mugging of grammar rules was replaced with novel activity based lessons with clear emphasis on the functional aspect of English. In this environment, however, whereas change was seen in school and select professional curricula in India, many occupational courses remained untouched by the dynamics of language and communication which were, ironically, integral to the development of their workforce. This paper is inspired by the unfulfilled needs of these occupations. It derives a relevant, communicative ESP (English for Specific Purposes) syllabus based upon analysis of current literature on ESP and Curriculum Studies.

## BACKGROUND:

Early language studies faced challenge defining the term ESP: Whether the focus is on special language or specialised aim. In 1974, Perren, a Minister of Education in Canada, took note of this confusion and highlighted it for the first time. This confusion was put to rest by Mackay and Mountford (1978) as quoted by Gatehouse (2001) who defined 'Special' language as a limited repertoire of words and expressions selected from the language whole, which also covers all the possible requirements of the user(s). 'Specialised' language, on the other hand, revolves around the purpose behind the learners' learning a language. This brings to the centre stage the aim of learning in place of the jargon or registers associated with an occupation.

Discussing successful communication in occupational settings, Cummins (2008) revisits the terms propounded by him in 1979: the theory of dichotomy between basic interpersonal communication skills (BICS) and cognitive academic language proficiency (CALP). While BICS refers to the language skills applied in everyday informal language used with colleagues, friends, and family, CALP refers to a language proficiency required to make sense of, and use academic language. Thus, situations in which individuals use BICS are characterized by contexts that provide relatively easy access to meaning. However, CALP use occurs in situations that offer fewer contextual clues.

Moving further, Carter (1983) has listed three types of ESP: i) English as a restricted language; ii) English for Academic and Occupational Purposes; and iii) English with specific topics.

The process of language acquisition by learners was given more attention instead of the methodology of language teaching by Hutchinson and Waters (1987), also, the differences in ways of language acquisition became a subject of study. Thus, varied learning strategies, application of different skills, the different schemata they bring to the learning environment and their multifarious needs and interests that decide their level of motivation: All of these came to the centre of language research. Moreover, learner needs came to share the platform with pedagogical considerations. Courses came to be designed specifically with the aim of fulfilling these individual needs in mind. Learner or Learning-Centred English classrooms became the catchword in ESL.

Dudley-Evans and Jo St John (1998) outlined the pedagogical growth of the curriculum of EOP (English for Occupational Purposes) since 1960s, and showed that the early programmes included letter formats, and specialized vocabulary and dialogues, along with a few comprehension questions. However, soon this focus shifted to spoken interactions, and the four language skills (reading, writing, speaking, and listening). On the way, the case study approach was also incorporated into the curricula. They note that by the mid-90s elements of body language were also included in the curricula. According to this book, by the end of the twentieth century the teaching materials included socializing,

telephoning, meetings, discussions, presentations, and negotiations.

These authors, i.e. Dudley Evans and Jo St John (1998) have also noted that 'there is a more general recognition that language teaching needs to take on board the business context within which communication takes place' including technological developments in telecommunications, computers, email, video conferencing, and cross-cultural communication.

## THEORIES OF ESP CURRICULUM DESIGN

Carter (1983) identified three features common to ESP courses: a) authentic material, b) purpose-related orientation, and c) self-direction. Authentic materials not only address the unique needs of the learner group in question but also enable them to relate to it. Gatehouse (2001) clarifies Carter's Purpose-related orientation as referring to the 'simulation of communicative tasks required of the target setting'. For instance, Carter (1983) discusses student simulation of a conference: typically it involves the preparation of papers, reading, note-taking, and writing. Drawing a parallel, Gatehouse (2001) discusses his experience at Algonquin College where he developed a content-based curriculum for a ten-week course. English for business courses involved students in the design and presentation of a unique business venture, including market research, pamphlets and logo creation. He says that the students presented the final products to invited ESL classes during a poster presentation session. Similarly for the health science programme, students attended a seminar on improving listening skills. He says they practiced listening skills, such as listening with empathy, and then employed their newly acquired skills during a fieldtrip to a local community centre where they were partnered up with English-speaking residents.

Coming to the issue of self-direction Gatehouse (2001) refers to Carter (1983) again and says that it is characteristic of ESP courses in that the '... point of including self-direction ... is that ESP is concerned with turning learners into users' (Carter, 1983, p. 134). In order for self-direction to occur, the learners must have a certain degree of freedom to decide when, what, and how they will study. He quotes Carter (1983) who says that there must be a systematic attempt by teachers to teach the learners how to learn by telling them about learning strategies. Thus one can deduce the shift in focus to a learner-centred approach.

At a 1997 Japanese Conference on ESP, Dudley-Evans presented a modified definition of the characteristics of ESP. The revised definition he and St. John postulate is as follows:

### I. Absolute Characteristics:

- + ESP is defined to meet specific needs of the learner;
- + ESP makes use of the underlying methodology and activities of the discipline it serves;
- + ESP is centred on the language (grammar, lexis, and register), skills, discourse and genres appropriate to these activities.

### II. Variable Characteristics:

- + ESP may be related to, or designed for specific disciplines;
- + ESP may use, in specific teaching situations, a different methodology from that of general English;
- + ESP is likely to be designed for adult learners, either at a tertiary level institution or in a professional work situation. It could, however, be for learners at secondary school level;
- + ESP is generally designed for intermediate or advanced students;
- + Most ESP courses assume some basic knowledge of the language system, but it can be used with beginners.



As can be seen, they removed the absolute characteristic that 'ESP is in contrast with General English' and added more variable characteristics. They assert that ESP need not necessarily be related to a specific discipline. Furthermore, use of ESP is likely to occur more with adult learners.

Discussing the selection of materials for ESP learners Bracaj (2014) asserts that materials determine the running of the course and underline the content of the lesson. It supports the teaching learning process by helping the teacher organise the course and introducing the learners to new learning techniques. She quotes Hutchinson and Waters (1992, p.107) to support the view that materials are a reflection of the teacher: 'they should truly reflect what you think and feel about the learning process'. She further says that good materials cover a wide spectrum of skills and ought to be based upon varied interesting texts. Instead of using a piece of material to enhance one skill, teachers can target a number of skills at the same time. Once again citing Hutchinson and Waters (1992), she says that materials are a kind of functional link between what learners have already learnt ('existing knowledge') and new information.

### **The peculiar case of the Paralegals:**

Among the vocations, improving the professional skills (and English skills as a corollary) of the paralegals assumes vast relevance given the massive backlog of legal cases in Indian courts today. It would rather be apt to say that special focus on these paraprofessionals has direct ramifications for the general public, the attorneys that employ them as well as the judiciary. To support this, we quote from a study by Diehl (2009) conducted in Tanzania. Diehl highlights the views of the proponents of paralegal activities in Tanzania who argue that 'the courts are difficult to reach for most people living in the rural areas, that there is a lack of magistrates and advocates in the country, particularly in rural regions, and that court fees and fees for advocates are too high. For many people, these paralegal proponents say, access to justice is further inhibited by a lack of knowledge of their legal rights and the legal language, by the complicated and bureaucratic requirements of the courts, and by 'cultural barriers'. Courts in general and the kind of justice practiced there are regarded as alien by these people, it is argued, with long durations of legal processes and widespread corruption among the police and the judiciary constituting additional barriers on the way to justice.' Further, that while the national language in the country is Kiswahili, the language of the courts higher than the Primary Courts is English without an exception. Now this is almost a replica of the Indian justice scenario.

In a study in the United States, Podgers (1993) highlighted as significant in the legal field the growing presence of paralegals (also identified by such terms as legal assistant, legal technician, non-lawyer practitioner or free-lance paralegal) who provide basic legal services directly to consumers without the supervision of lawyers. The study significantly states that independent paralegals can provide an adequate level of service to consumers at lower prices than lawyers for a variety of basic legal needs in such areas as real estate, estate planning and probate, domestic relations, landlord-tenant and bankruptcy. The study asserts that Paralegals have become a significant element in the legal work force in the USA.

Findings of these and other similar studies are reflected in the Rajasthan Legal Service Authority's programme to spread awareness among the general public of their rights and bring matters to court. For this the services of paralegal volunteers was proposed to be enrolled. As reported in The Times of India, (dated 9 July 2012) twenty paralegals in the district and ten at the block level have been trained for the programme who will travel to different places to identify victims and will provide legal aid. Thus paralegals will act as an essential go-between connecting the people with the judicial system. Given this changing paradigm, it is but apt to think of formulating relevant, need-based vocational

curricula for the para-professions.

### **RECOMMENDED CURRICULUM FOR VOCATIONAL LEARNERS:**

The lead author of this article has for more than a decade now, been teaching communication skills to students of varied backgrounds, and programmes. He has taught the students of Engineering, Management, and Law amongst others. Based upon this experience, the theoretical approaches mentioned here and, most importantly, guided by formal student feedback regarding the course contents, he proposes the following approach parallel modules in the vocational education programmes:

- i. The common denominator in all vocational training
- ii. The specific needs of the different learner groups.

The common denominator should further include two components: Basic Linguistic Skills and Communication Skills.

Basic Linguistic Skills may include these: (a) The regional language in which the learner is required to operate. The regional language, of course, is very essential for functioning successfully in the local work environment. This would include knowing the native and dialectal forms, as well as, at least some knowledge of the standard or high prestige dialects. This significance of the higher prestige dialects is what the Irish Playwright GB Shaw depicted in the famous romantic comedy, *Pygmalion*: (b) Appropriate level of English Language or Foreign language skills. English, being widely used in India as a link language and non-exclusively the language of higher education arguably provides some advantage to the learners in many vocational courses.

This, *inter alia*, includes the following: i. Some grammatical knowledge, accent, pronunciation and training in vocabulary, and spellings. ii. The basic forms of linguistic communication, viz. reading, writing, speaking and listening skills. This translates to training in writing letters, e-mails, turn-taking in oral conversations, telephonic conversations, taking orders and service requests, making the resume. (c) Foreign language skills may be required for a person, who for example would like to become a tourist guide.

### **I. An exposure to communication skills:**

Types of communication: Mehrabian (1971) assert that the communication mix comprises 7% of verbal communication, 38% of paralinguistic communication and 55% of all communication is non-verbal. Accordingly, the following elements should be considered: i) Verbal; ii) Non-verbal, including: Appearance, gestures, posture, space and distance, eye contact, facial expressions, haptics; iii) Paralinguistic communication: Meaning and significance of elements of pitch, volume, tone, intonation, fluency, accent, pronunciation, modulation and quality of voice.; 7C's of communication; Barriers to communication; Listening skills; Intercultural communication; Resolving conflicts by negotiation.

Desired learning outcomes can be achieved in Vocational courses in English if the focus is dogmatically kept on the occupational needs of the learners. While it is true that these may vary from one vocation to another, broadly, the following elements may be kept in the ambit: ; Meetings (agenda, notice and minutes); Presentation and public speaking techniques; Group discussion; Translation; Note taking; Shorthand; Typing skills; Listening to requests; Responding to questions; Persuasive speech; Active reading; Summarizing; Reading and research; Proofreading; Formatting skills; Using and

describing tables, graphs and charts; Report writing; Memorandum writing.

## CONCLUSION

The current study is focused upon designing a need-based ESP curriculum in India. There is still a scope for deeper inquiry into the ESP needs of varied vocations. For instance a curriculum designed for tourism professionals may not address the specific purpose of the paralegal professional. Further, there may be many occupations that have altogether ignored the need of the work force to acquire English language proficiency. One example of this is the medical education in India. This factor, too, has to be explored. However, a broad outline for an ESP curriculum has been attempted in the current study with the hope that future research effort will be invested in the field in the larger interest of the end users.

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