The vocabulary LLM International Law students really need

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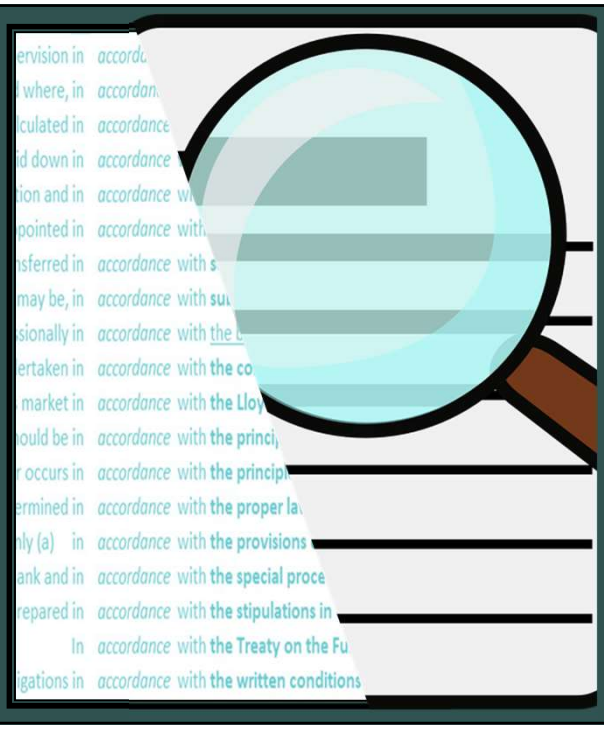
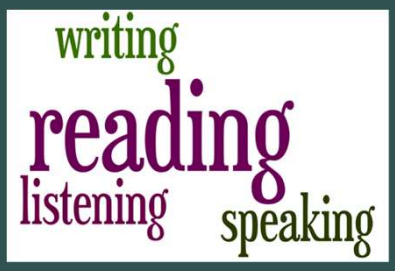
COMMUNITY, CREATIVITY AND CULTURE IN LEGAL EDUCATION



1

My context



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Images UoL

2

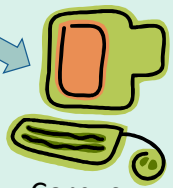
Research Question

What vocabulary do postgraduate International Law (LLM) students need for reading?

3

The *DSVC International Law* Corpus

LLM reading texts



Corpus (c.2m words)

Discipline-
Specific
Vocabulary
Core

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Why use a corpus?

help us decide	**what**	to teach our students
may not be	**what**	you think
see	**what**	patterns exist in text.

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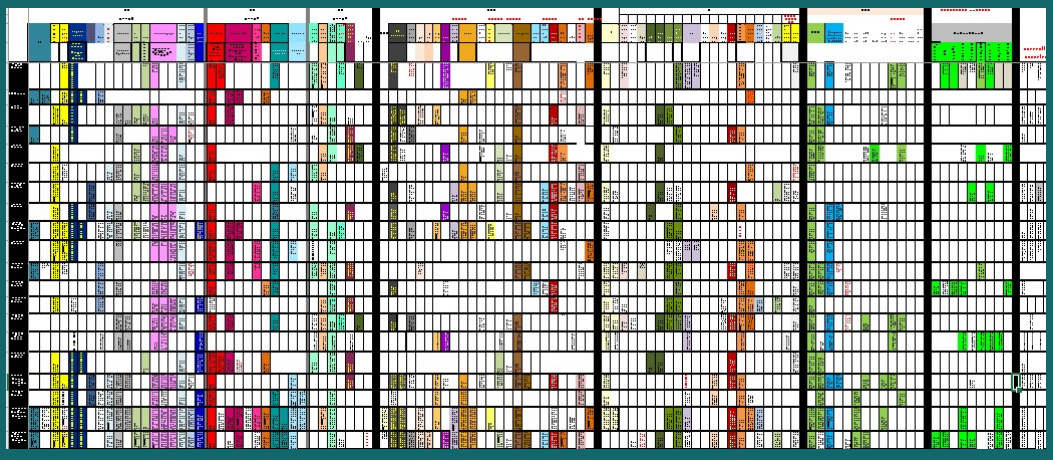
Module/domain

Univ.



Modules in LLM programmes in 21 UK universities (2014/5)

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The *DSVC International Law* Corpus

12 domains:

1. Company Law
2. Intellectual Property & Internet Law
3. Civil & Commercial ADR
4. Sale & Carriage of Goods, Marine Insurance, & Shipping
5. World Trade and Investment
6. Banking & Finance
7. Conflict of Laws
8. EU Constitutional & Administrative Law
9. EU Substantive Law
10. Public International Law
11. Armed Conflict & International Criminal Justice
12. International Human Rights Law

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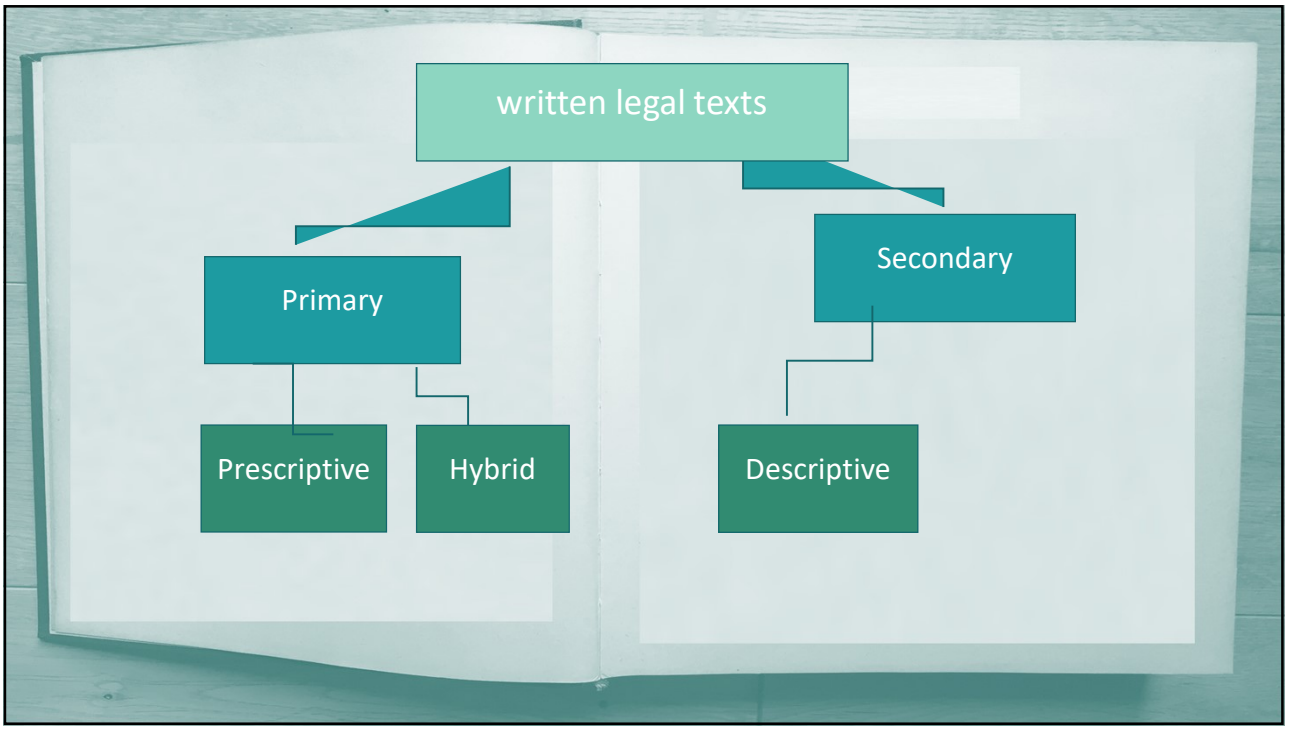

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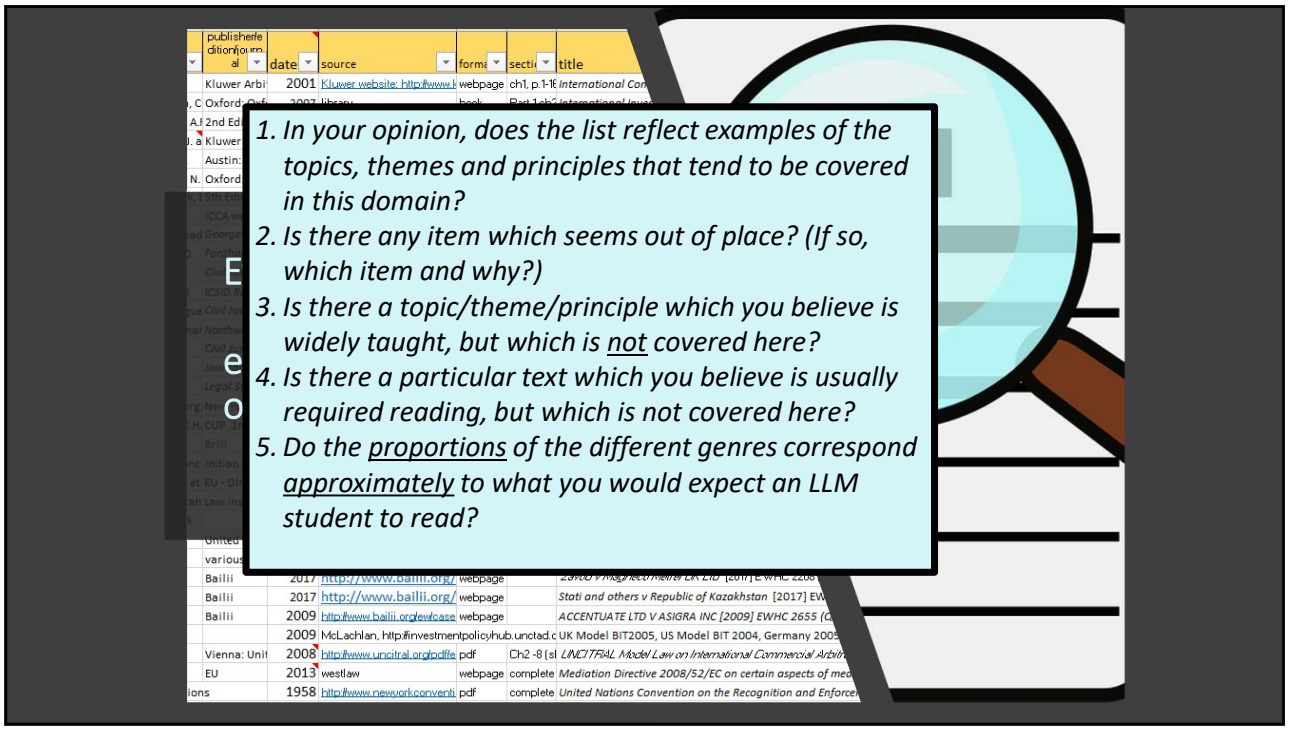

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The *DSVC International Law* Corpus

word tokens	**1.95m**
word + inflections (e.g. *party, parties; invest, invests, investing*)	**24,908**

Extracts from 886 documents

function	no. of files
Descriptive	288
Hybrid	47
Prescriptive	66
	401

date	no. of files
pre-1980	26
1980-1999	35
2000-2019	340
	401

function	no. of genres
Prescriptive	5
Hybrid	2
Descriptive	14
	21

genre examples	no. of files
treaty	33
case	45
textbook	60
journal article	81
case summary	17

12 domains | Word count average 162536 tokens (SD=452.152)

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The *DSVC-IL Single Word List*
law particular
state principle
court good
case general
article question
right against
international effect
provide regard
party respect
take system
rule decision
member purpose
act obligation
apply claim
provision measure
set
place
interest
issue matter
require country certain activity
national action allow trade
consider person approach standard
concern company dispute create
order application practice exercise
agreement public united specific
treaty
necessary
refer
policy
regulation
relate
relevant
determine
service
basis
requirement
market

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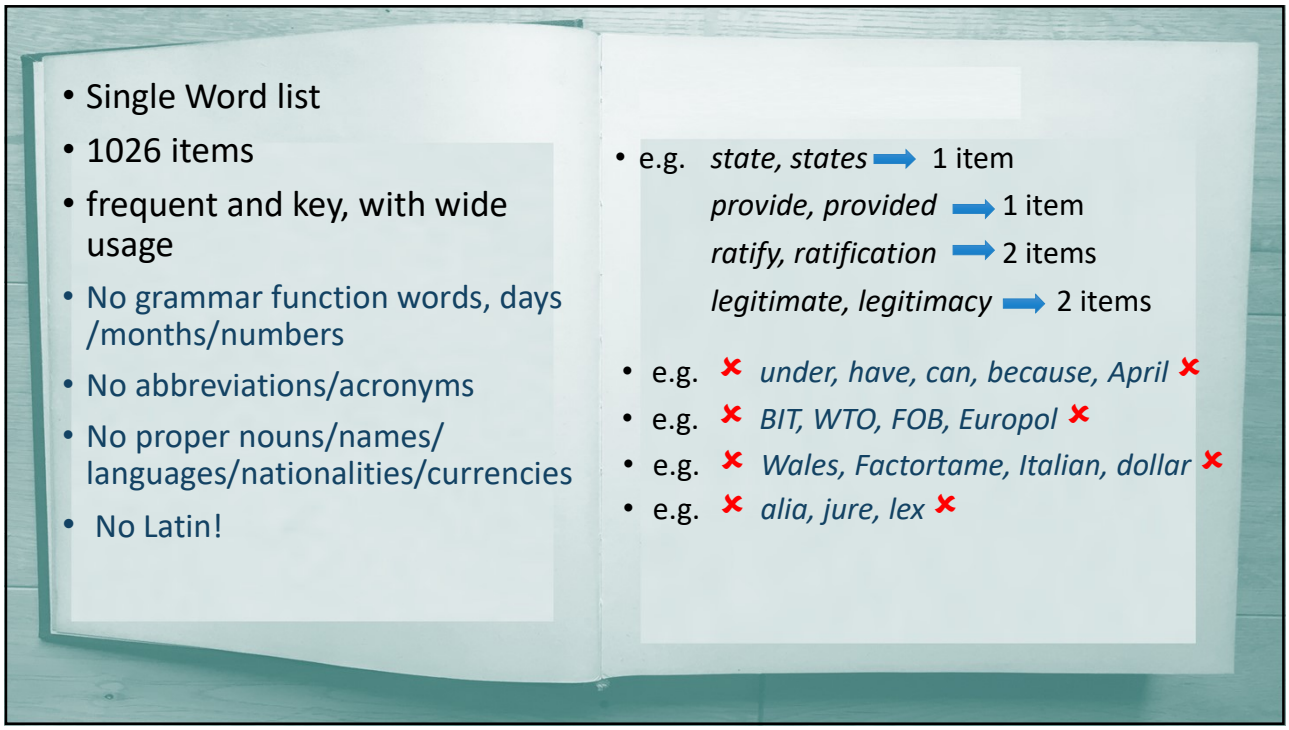
• Single Word list
• 1026 items
• frequent and key, with wide usage
• No grammar function words, days /months/numbers
• No abbreviations/acronyms
• No proper nouns/names/ languages/nationalities/currencies
• No Latin!
• e.g. *state, states* ➡ 1 item
provide, provided ➡ 1 item
ratify, ratification ➡ 2 items
legitimate, legitimacy ➡ 2 items
• e.g. ✘ *under, have, can, because, April* ✘
• e.g. ✘ *BIT, WTO, FOB, Europol* ✘
• e.g. ✘ *Wales, Factortame, Italian, dollar* ✘
• e.g. ✘ *alia, jure, lex* ✘

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1. Split half analysis
2. Coverage
3. Expert judgements

Evaluation

How do I know the list represents the language of the domain of PG International Law?

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1. Split half analysis
2. Coverage
3. Expert judgements

Evaluation

Compared the frequency ranking of items in two random halves (using *average reduced frequency*, a frequency statistic that takes into consideration evenness of distribution)

Spearman's correlation coefficient (r_s=.98, p<.000).

The two 'new' lists overlap 74-83% with the main list and 76-78% with each other.

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1. Split half analysis

Evaluation

2. Coverage

3. Expert judgements

The proportion of the total word count that is comprised of words from the list.

In the corpus: **26.37%** of all words

Outside the corpus: **23.87%** of words

8 individual texts: **23.48%** of words
(range 10.20% - 30.59%)

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The study of European **company law** has important lessons for our **broader** understanding of the role of **harmonisation** within the process of **legal** and **economic integration**. The form of harmonising **legislation** in Europe has moved away from the prescriptive style of the early 1970s, in **favour** of 'reflexive' **regulatory** techniques which **aim** to encourage decentralised forms of self-regulation at **member state** level and below. By contrast, the **principal** alternative to this form of reflexive **harmonisation** - court-led deregulation or 'negative **harmonisation'**, **initiated** by a rigid **interpretation** of the **freedom** of **establishment provisions** of the EC **Treaty** - would **limit** the **autonomy** of **member states** in the **company law** field and **thereby** induce a greater degree of convergence over time. It has been argued in this paper that if negative **harmonisation** were to be **extended** in this way, it would be at the **expense** of those **mechanisms** of evolutionary adaptation which **currently operate** within **member states**. There is therefore no **guarantee** that a process of negative **harmonisation** would lead to greater **efficiency** and, indeed, **good** reason to think that it would not.

In **practice**, there are **limits** to what court-led **intervention** can achieve. The prospects of a Delaware-like **effect** emerging within the EU in the foreseeable future would be remote even if the siege reel **doctrine** were to fall as a result of some of the **broader interpretations** being **placed** on the ECJ's **decision** in the *Centros* **case**. The **conditions** under which the exit-based **mechanism** of reincorporation could serve as the **basis** for **competition** between **legal systems** do not yet **exist**. In **order** for US-style **competitive** federalism to emerge within **company law**, some degree of **harmonisation** of the **rules** of the **conflicts** of **laws** and the **practices** of the **member states relating** to **incorporation** and reincorporation would be **required**. Thus the **question** of which **issues** are **appropriate** for **harmonisation**, and the techniques which should be used to **implement** harmonising **measures**, cannot be **avoided**.

List coverage:
78/320 words (24.38%)

Deakin, S. (2000) Regulatory Competition versus Harmonisation in European Company Law. ESRC Centre for Business Research, University of Cambridge Working Paper No163

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List coverage:
48/160 words (30.0%)

Article 6

Transit and Contained Use

1.
Notwithstanding Article 4 and without **prejudice** to any **right** of a **Party** of **transit** to **regulate** the transport of living modified organisms through its **territory** and make available to the Biosafety Clearing-House, any **decision** of that **Party**, subject to **Article** 2, **paragraph** 3, **regarding** the **transit** through its **territory** of a **specific** living modified organism, the **provisions** of this **Protocol** with **respect** to the advance informed **agreement procedure** shall not **apply** to living modified organisms in **transit**.

2.
Notwithstanding Article 4 and without **prejudice** to any **right** of a **Party** to subject all living modified organisms to **risk** assessment **prior** to **decisions** on **import** and to **set standards** for contained use within its **jurisdiction**, the **provisions** of this **Protocol** with **respect** to the advance informed **agreement procedure** shall not **apply** to the transboundary movement of living modified organisms destined for contained use **undertaken** in **accordance** with the **standards** of the **Party** of **import**.

United Nations (2000)
Cartagena protocol on Biodiversity to the Convention on Biological Diversity.

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1. Split half analysis
2. Coverage
3. Expert judgements

Evaluation

Survey:
- 300/1026 words
- 68 responses from 45-50 lecturers at 8+ institutions
- 2 follow-up interviews

1. ***Is this a Law word?***
2. ***Would you gloss or discuss this word or term in class?***
3. *Do your students need help with this word?*

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1. *Is this a Law word?*

- ***Yes**, this is word has a legal meaning and/or usage (alone or in a phrase).*
- ***No**, this is a general word.*
- ***Sometimes** – one or more uses of this word are technical or Law specific.*

appellate
breach
customary
disproportionate
fundamental
hereinafter
nomination
principal
responsibility
treaty

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1.
Is this a Law word?

- **Yes** or **sometimes**: **66%**
- No: 27%
- Undecided: 7%

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2. *Would you gloss or discuss this word or term in class?*

- ***Yes**, I would gloss and/or discuss this word (with an example and/or definition), or check students have understood its meaning and usage.*
- ***No**, I expect students to know this word.*
- ***Perhaps** - I may gloss and/or discuss this word, or check students have understood its meaning and usage.*

appellate
breach
customary
disproportionate
fundamental
hereinafter
nomination
principal
responsibility
treaty

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2. *Would you gloss or discuss this word or term in class?*

- Yes or perhaps: 25%
- **No: 57%**
- Undecided: 18%

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Because these words are not likely to be glossed by the content teacher their subtechnical meanings are clearly the domain of the ESP teacher.

Flowerdew (1993: 236)

Flowerdew, J. (1993) 'Concordancing as a tool in course design', *System*, 21(2), pp.231-244.

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Research Question

What vocabulary do postgraduate International Law (LLM) students need for reading?

Conclusions

The study of European company law has important lessons for our broader understanding of the role of harmonisation within the process of legal and economic integration. The form of harmonising legislation in Europe has moved away from the prescriptive style of the early 1970's, in favour of 'reflexive' regulatory techniques which aim to encourage decentralised forms of self-regulation at member state level and below. By contrast, the principal alternative to this form of reflexive harmonisation - court-led deregulation or 'negative harmonisation', initiated by a rigid interpretation of the freedom of establishment provisions of the EC Treaty - would limit the autonomy of member states in the company law field and thereby induce a greater degree of convergence over time. It has been argued in this paper that if negative harmonisation were to be extended in this way, it would be at the expense of those mechanisms of evolutionary adaptation which currently operate within member states. There is therefore no guarantee that a process of negative harmonisation would lead to greater efficiency and, indeed, good reason to think that it would not.

In practice, there are limits to what court-led intervention can achieve. The prospects of a Delaware-like effect emerging within the EU in the foreseeable future would be remote even if the siege reel doctrine were to fall as a result of some of the broader interpretations being placed on the ECJ's decision in the *Centros* case. The conditions under which the exit-based mechanism of reincorporation could serve as the basis for competition between legal systems do not yet exist. In order for US-style competitive federalism to emerge within company law, some degree of harmonisation of the rules of the conflicts of laws and the practices of the member states relating to incorporation and reincorporation would be required. Thus the question of which issues are appropriate for harmonisation, and the techniques which should be used to implement harmonising measures, cannot be avoided.

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Conclusions

- The 1026 words on the DSVC word list:
  - common across International Law
  - account for c.25% of text
  - necessary for reading
  - characterise Law texts and legal genres.
  - few are terms of art
  - would not receive attention from Law lecturers.
- Many second language students will need help with these words
- Academic English experts can help.
- Collaboration is key.

The study of European company law has important lessons for our broader understanding of the role of harmonisation within the process of legal and economic integration. The form of harmonising legislation in Europe has moved away from the prescriptive style of the early 1970's, in favour of 'reflexive' regulatory techniques which aim to encourage decentralised forms of self-regulation at member state level and below. By contrast, the principal alternative to this form of reflexive harmonisation - court-led deregulation or 'negative harmonisation', initiated by a rigid interpretation of the freedom of establishment provisions of the EC Treaty - would limit the autonomy of member states in the company law field and thereby induce a greater degree of convergence over time. It has been argued in this paper that if negative harmonisation were to be extended in this way, it would be at the expense of those mechanisms of evolutionary adaptation which currently operate within member states. There is therefore no guarantee that a process of negative harmonisation would lead to greater efficiency and, indeed, good reason to think that it would not.

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	Thank you	*very much.*
So	**thank you**	*for coming to my talk to*
I'd just like to say	**thank you**	*once again for giving me*
	Thank you	*. We just have time for or*

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Join me on in.

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