

ESP and Its Merging With General English: Case Study of the Legal Term “National”

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English for Specific Purposes (ESP) teaching has become a prominent area in English teaching reform in China. Based on relevant legal provisions and the author’s own teaching experience, this paper discusses the legal English term “national” and its merging into general English from the perspective of ESP, legal English in particular. “*Abeunt studia in mores*”. As legal English, a branch of ESP, enters the daily vocabulary of General English, it may help English learners in various aspects, so as to establish a strong sense of national identity as a Chinese citizen as well as a global citizen.

Keywords: English for Specific Purposes (ESP), General English, legal term “national”

Introduction: ESP and English Teaching Reform in China

For the definition of English for Specific Purposes (ESP), Dudley-Evans in 1998 listed three absolute characteristics:

1. ESP is defined to meet specific needs of the learners;
2. ESP makes use of underlying methodology and activities of the discipline it serves;
3. ESP is centered on the language appropriate to these activities in terms of grammar, lexis, register, study skills, discourse, and genre.

Strevens (1988) noticed another absolute characteristic that ESP is “in contrast with ‘General English.’”

The above characteristics of ESP strictly foretell and clearly showcase a prominent area in English teaching reform in China, which is none but competence-based ESP teaching. “ESP in China’s colleges and universities cannot and should not ignore content-based teaching, nor can or should it neglect the cultivation of student competence” (Chang, 2023, p. 111).

ESP and Its Merging With General English: Legal English Perspective

Illustrations adopted in this paper are taken from Nationality Law of the People’s Republic of China (hereinafter referred to as “Nationality Law”) enacted in 1980, Interpretation by the Standing Committee of the National People’s Congress on Some Questions Concerning Implementation of the Nationality Law of the People’s Republic of China in the Hong Kong Special Administrative Region (hereinafter referred to as “Interpretation of the Nationality Law”) issued by the Standing Committee of the National People’s Congress

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in 1996 on the eve of Hong Kong's return to the motherland, as well as the mid-term exam (E-C Translation) from the author's own undergraduate translation course. Based on these legal provisions, this paper discusses the legal English term "national" and its merging into general English from the perspective of ESP, legal English in particular.

Mentioning the word "national," an adjective (the part of speech), is the simultaneous attribute that comes to an English learner's mind. However, in the register of nationality, it is a legal term or a legal noun, grammatically speaking. And its precise meaning is "citizen of a state." Testimony can be found in the following legal provisions (underlines are added by the author).

Article 3. The People's Republic of China does not recognize dual nationality for any Chinese national. (Nationality Law)

(Interpretation) 1. Any Hong Kong resident of Chinese descent who was born in the territory of China (including Hong Kong), or any other person who meets the requirements for Chinese nationality as prescribed by the Nationality Law of the People's Republic of China is a Chinese national.

(Interpretation) 2. All Chinese compatriots residing in Hong Kong, whether they are holders of the British Dependent Territories Citizens' Passport or the British National (Overseas) Passport, are Chinese nationals. These Chinese nationals may, as of July 1, 1997, continue to use their valid travel documents issued by the British government for the purpose of travelling to other countries or regions. However, they shall not be entitled to British consular protection in the Hong Kong Special Administrative Region or in any other part of the People's Republic of China on account of their holding the British travel documents mentioned above.

(Interpretation) 3. The British citizen status of any Chinese national residing in Hong Kong granted by the British government under the British Nationality Selection Scheme shall not be recognized according to the Nationality Law of the People's Republic of China. Such person being still Chinese national, he or she shall not be entitled to British consular protection in the Hong Kong Special Administrative Region or in any other part of the People's Republic of China. (Interpretation of the Nationality Law)

From these provisions, it is self-evident that Chinese national signifies Chinese citizen and British National British citizen. In Interpretation 2, we come across another term, British National (Overseas), BNO in short. On the eve of the return of Hong Kong to China, the supreme legislator in China, the Standing Committee of the People's Congress, declared clearly in the interpretation of nationality law, Hong Kong residents holding the British National (Overseas) Passport, are Chinese nationals, whose BNO Passport are only deemed as valid travel documents. BNO can and only be accepted by the Chinese law in such a travelling situation. "However, they shall not be entitled to British consular protection in the Hong Kong Special Administrative Region."

It is obvious that about three decades earlier the Chinese legislator anticipates the possibility of future judicial conflicts on the issue of double or multiple nationalities among Hong Kong residents after the handover of state sovereignty. And the relevant provisions here aim to rule out beforehand ambiguities in Jurisdiction.

Time moves on to the year of 2021 when BNO Conflict broke out between China and UK. The Chinese government based on memorandums of understanding between two countries in 1984 and the interpretation of the nationality law, announced that "Starting from January 31, China will no longer recognize the BNO passport as a valid travel document or for identification."

In fact, part of speech of “national” as adjective is so familiar and so deeply rooted to English learners that such translation errors not just confine in students but also expand to teachers in higher education in China. Failures to do so may be attributed to that they are unfamiliar with ESP and the integration of ESP with General English. Most of these mistakes conducted by English learners are chiefly due to that they only know the use of “national” in general English. Once, the word “national” is lifted for General English into the realm of ESP, they are totally unconscious of the nuance and can only offer a rough translation of double entendre. The following is what the author encountered in her own teaching of an undergraduate translation course.

Source text: When one is abroad and gets to make new friends, the question, “Where are you from?”, is one that will inevitably pop up. As the number of immigrants here rises, more Singaporeans are asking new acquaintances this same question.

For Chinese nationals, the answer can be just China, or narrowed down to the specific province or city. If the person who asks the question does not understand Mandarin, one’s citizenship is often an adequate reply. But if he or she is an overseas Chinese or has some knowledge about China, the answer may include province, city and even district... (underlines are added by the author)

While all the students dodge the translation of “national,” and simply put it as the Chinese, the reference translation adds something more and rendered it as “friends coming from China.” Then quickly, another linguistic barrier comes up: translation of “Citizenship,” which most students translated literally word by word as “Citizen identity,” a rigid rendering of course. However, the reference translation puts it correct with the rule of thumb: Nationality

Deep Reason: ESP vs. General English

To boil down the problem, misunderstanding of “national” for an adjective may be too superficial. Without the knowledge of “national” as a legal term in ESP, or being insensitive to the merging of EP with General English, could be the deep reason for such prevailing error among language learners in China.

Two graphs are available to illustrate the legal register of the term “national” (see Figures 1 & 2). One is passports for Hong Kong residents in different phases (incl. BNO), the other an instruction sign referring HK and Macao residents as “Chinese National” in Shenzhen customs, China.



Figure 1. Passports for HK residents in history. (Source: Internet)



Figure 2. Chinese national (Shenzhen customs, China). (Source: Internet)

A major feature of legal English is

that law is the code of conduct formulated by the legislative bodies of a state in accordance with legislative procedures and enforced by the state authority. As the form of expression and the linguistic vehicle of legal information, language must reflect this social function of law. The solemnity of law determines that legal language must be accurate and rigorous. (Research Center for Legal English Teaching and Testing, China University of Political Science and Law, 2013, p. 71)

Hence, the distinction between ESP and general English. Therefore, dating back to 16th century, Francis Bacon, a scholar of the Renaissance, suggests “If he be not apt to beat over matters, and to call up one thing to prove and illustrate another, let him study the lawyers’ cases.”

Conclusion

All in all, “*Abeunt studia in mores*” (a Latin proverb for “Studies serve for manners”). As legal English, a branch of ESP, enters the daily vocabulary of general English, it may help English learners form a rigorous and prudent diction, which further shapes their personal character. Such meticulous preference of personality shall in turn contribute to shaping the law-abiding awareness of Chinese nationals, play a significant part in advancing the Rule of Law in China, and establish a strong sense of national identity as a Chinese citizen as well as a global citizen.

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