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Contribution of an english for specific purposes (ESP) programme for the secondary school judicial section

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CONTRIBUTION OF AN ENGLISH FOR SPECIFIC PURPOSES (ESP) PROGRAMME FOR THE SECONDARY SCHOOL JUDICIAL SECTION

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DEDICATION

To my dear late father and mother;

To my brothers and sisters;

I dedicate this work.

ACKNOWLEDGEMENTS

The fulfilment of this work has been the combination of many persons' efforts.

First of all, I would like to express our warmful thanks to Dr Ildéphonse Horicubonye, lecturer at the University of Burundi, Faculty of Arts and Social Sciences, Department of English Language and literature whose supervision and remarks have been of great help.

I am also thankful to our informants especially teachers and students who provided me with information for the collection of the data used in this work.

Special thanks are due to all teachers who taught me from Primary school to University for the moral and academic education they have inculcated in me.
I also owe a debt of gratitude to relatives, friends and classmate for their moral and material support. To them all, we say thanks.

LIST OF ABBREVIATIONS

B.O.B: Bulletin Officiel du Burundi

B.P.E.S: Bureau des Programmes de l'Enseignement Secondaire.

E.A.P: English for Academic Purposes

E.F.L: English as a Foreign Language

E.L.T: English Language Teaching

E.O.P: English for Occupational Purposes

E.S.P: English for Specific Purposes

M.P.C: Model Penal Code

N.G.O: Non Governmental Organization

LIST OF TABLES

ABSTRACT

The aim of this work is to show the contribution of English for specific purposes programme for secondary school judicial section.

Indeed, it is very important that the teaching materials to be used should take the learner forward towards his objective. So, the English language to be taught in judicial section should be related to judicial domain. The main concern of this study is to see whether the English programme used in secondary schools judicial section, how it is viewed by students and English teachers and then propose an adequate one.

This study was carried out with 173 respondents, that is, 166 students and 7 teachers of 5 selected secondary schools judicial section located in Bujumbura and Rumonge cities.

This study was carried out based on the following research questions:

1. Does the English programme need be modified?
2. Is it important to establish an English for Specific Purpose Programme in secondary school judicial section? (a judicial English?)
3. Are teachers and students satisfied with the present English programme?

The answers to the above questions show that more than 80% of respondents are against the prevailing English programme and propose a judicial English to be established in judicial section.

This study has contributed in producing an English programme appropriate to the judicial section and this will increase students' knowledge in law domain and they will also be able to use English in law context.

TABLE OF CONTENTS

CHAPTER I

GENERAL INTRODUCTION

1.0. Introduction

English is an international language that is widely spoken today. The importance of English language at international level continues to increase as more and more people are being interested in knowing it. These needs have resulted from the expansion of one particular aspect of English Language Teaching (E.L.T) namely the teaching English for specific purpose (E.S.P). There are two main divisions which help to distinguish ESP situations: English for Occupational Purpose (EOP) and English for Academic Purpose (EAP). EOP is taught in a situation in which learners need to use English for their work or profession. EAP is generally taught within educational institutions to students needing English in their studies.

The demand for this has often come from groups of learners with no need for the general English provided by a typical secondary school English course. Some learners, indeed, have already completed a general course and wish to learn English for particular reasons connected with their studies or their jobs. This necessitates a redirecting and readjusting of school curriculum as it was voiced in the Report of "3rd Common Wealth Education Conference in Ottawa" (1964:6) where it was stated that: "*The curriculum should be relevant to the needs, values and aspirations of contemporary society of a particular country*".

In Burundi, for example, the curriculum should be kept under constant review and be allowed to take into account the background knowledge of the learners. At the beginning of senior level, the curriculum starts to be specified and also the teaching materials depend upon the section in which the learners follow. Learners, in the judicial section of secondary schools for example should study

English which enables them to deal with judicial matters while analysing their contents as well.

In Burundi judicial secondary schools, English is of capital importance because, first of all, there are judicial writings or documents written in English and only students or judges knowing English especially judicial English will be able to understand or to know legal meaning of those writings.
Second, the teaching of judicial English in this section will help Burundian future judges work efficiently in East African Courts of Justice in which English is used.

In fact, the Ministry of Education regularly produces curricula to be followed in schools of different types. Such curricula are turned into a list of courses to be taught and a syllabus is designed. However, it should be better to produce an English curriculum for judicial section which fits students' needs and interests.

According to Richard (1985),

> *Language Syllabus may be based on: grammatical items and vocabulary, the language needed for different types of situation and the meanings and communicative function which the learner needs to express in target language.*

However, according to some linguist like Show (1977):

> *The curriculum should include the goals, objectives, contents, processes, resources and means of evaluation of all learning experiences, planned for pupils both in and out of the school and community.*

Both words syllabus and curriculum are used interchangeably according to Richards while they are not, according to Show. He states: "A syllabus is a

statement of the plan for any part of the curriculum, excluding the element of curriculum evaluation itself". We agree with the idea that syllabus and curriculum are not used interchangeably since a syllabus is a content of a course and that curriculum is a set of subjects taught at school.

Curriculum is an educational programme which states:

a) The educational purpose of the programme;
b) The content, teaching procedures and learning experiences which will be necessary to achieve this purpose;
c) Some means for assessing whether or not the educational ends have been achieved whereas syllabus is a description of the contents of a course of instruction and the order in which they are to be taught.

As education is an issue of great help to the development of any country, the wealth and the future of any country's citizens depends on their knowledge and utilizable skills, both acquired through education and training. That is why education planners should be careful that the education offered is beneficial to the students receiving it.

1.1. Background to the Study

English language is an operative language expanded in the world. It is more widely spoken in many countries today because the role played by the nations using English and their influence in international affairs, in their work system in international scope of their technology in science, economic and judicial framework, is of great importance.

According to Quirk (1962:7),

> *English is a key which opens doors to the scientific and technological knowledge indispensable to the economic and political development of vast areas of the world.*

There is no doubt that today; the English language has become one of the major world languages. It is important since it works as an international language and many people are interested in learning it. The rapidly growing interest in English cuts across political and ideological lines because of the convenience of the lingua franca increasingly used as a second language in the important areas of the world.

Education is an issue of great help to the development of any country. The reason is that the wealth and the future of any country's citizens depend on their population's knowledge and utilisable skills, both acquired through education and training. That is why education planners in any given country must not be careful that the education offered is beneficial to the students receiving it. It is evident that educational systems must have operated in a climate of rapid judicial and technological changes.

The English language has then been introduced in schools and learnt as a second language in some countries especially in East African countries except Burundi where it is learnt as a foreign language in the educational system.

In Burundi, the introduction of English is of growing importance, particularly with the increasing need for international communication especially with the neighbouring English speaking countries (Tanzania, Uganda, Kenya, Zambia, …).

The English Language has joined an important place in the educational system in Burundi. It has been taught as a subject and as a foreign language (EFL) from

the sixth form to the final year of secondary schools. In order to increase the teaching of English in Burundi schools, this language has been introduced in primary schools and it is now taught from the first year of primary schools to the final year of secondary schools.

The programme of the English language in secondary schools is provided by the English department staff of the BEPES (Bureau d'Etudes et des Programmes de l'Enseignement Secondaire) that is a section of curriculum planning for secondary schools in Burundi.

Today, the English language is taught in different classes from the primary school to the final of secondary school, even in technical schools. The role it plays in one section is different from the one it plays in the other. In the scientific or Arts sections, the pupils learn English related to the matters they have in other courses.

However, in the judicial section, students learn English programme which is related to the programme of the Arts section. Learners in such section should learn more English related to judicial or legal matters, which enable them to use English in judicial context.

1.2. Statement of the Problem

In Burundi, there is no English course programme for judicial section conceived by the National Curriculum Development Office of all school programmes. That is the reason why general English or some English texts have been adopted by English teachers in the judicial section of secondary schools.

In the judicial section, English teachers teach English which is appropriate to the Art section especially grammar and some literary texts only. However, learners in such section should learn more judicial English which enables them to understand judicial texts written in English and to be able to communicate in

judicial contexts using English. This should also be a good way which should make students increase knowledge in their domain as judicial English is to complete what they study in other courses. In this work, we undertake to propose to education partners (teachers especially) an English programme to fit the needs of providing the basic items in judicial domain. Such a task is very important if we want to maintain quality in education.

1.3. Aims and Purpose of the Study

In the present work, the emphasis is on an English programme now used in Burundi secondary schools judicial section, to see whether it is not appropriate or not for such a section and if students are interested or not in it.

After having shown the inappropriacy of the present English programme in judicial section, the purpose will consist in designing an adequate one to propose to English teachers. This is due to the fact that the literary, general or sometimes scientific English programme now adopted by different English teachers in judicial section does not contain law terms necessary to future judges. It is by means of this work that BPES (Bureau des Programmes de l'Enseignement Secondaire), a department created by the Ministry of Education in order to develop secondary school programme should feel called upon and should fulfil its mission.

1.4. Motivation and Justification

The choice of this topic has been motivated by the care that English programme must be parallel with the programme of other courses. In the judicial section, we find courses related to judicial activities and it is better to teach English programme which will help students of the judicial section to understand and master judicial terms written in English or to be able to deal with English judicial publications or writings.

Indeed, it is very important that the teaching materials used should take the learner forward as directly as possible towards his objective. In the same way, all courses are said to be complementary. For instance, in the Arts section, English course is taught through extracts from literature (mainly African) and therefore completes French which also deals with African literature. That should also be the same in the judicial section; it means that English in this section should appear to complete judicial courses so that students should have sufficient knowledge in law and being able, once judges, to make judiciary decisions even in the English language.

So, the real aim of language teaching is to bring the learner to the point where he can use the language for his own purposes and this goes far beyond manipulating structural drills, so that the language we propose in judicial section should be more judicial English than general or literary English. Then, our contribution is that students in the judicial section of secondary schools should be equipped with knowledge in English which enables them to use the English language related to the courses they follow in this section so that the English programme should be parallel with the programme of other courses namely judicial courses.

1.5. Scope and Delimitation

The present study covers only the judicial section of some secondary schools located in Bujumbura and Rumonge city. The choice of those schools alone is due to the fact that it is very difficult to go around all schools spread all over the country. Also, our study will be limited on what is going on in those schools and we will propose a short English programme because designing a long one would be broad and can not be achieved within the short time allocated to English course.

1.6. Research Hypothesis

This work is based on the hypothesis that the English programme designed for the judicial section in Burundian secondary schools does not meet the needs of the students.

1.7. Research Questions

Our study will handle a number of issues that the following questions will try to respond to:

1. Does the English programme need be modified?
2. Is it important to establish an English for Specific Purpose Programme in secondary school judial section? (a judicial English?)
3. Are teachers and students satisfied with the present English programme?

1.8. Definition of Key Terms

This section aims at providing the meaning of the key or most frequently used words as they are being used in this work.

E.S.P: English for Specific Purposes. The aims of a course, in E.S.P, are determined by particular needs of the learners and the growth of the use of English in science, technology, business and law had led to research into the nature of learners' needs and the preparation of teaching materials to meet those needs.

Judicial: of or relating to the administration of justice or the office of judges, even relate to law in general. Judicial English is English relating to judicial domain with judicial meaning.

Curriculum: an educational programme which states the educational purpose, the content and teaching procedures.

Textbook or course book: a coherent body of teaching materials. Textbook could also refer to a learning package consisting of several points.

This study will contribute to improve the teaching of the English language in judicial secondary schools. The next chapter deals with the review of related literature to the study.

CHAPTER II

LITERATURE REVIEW

2.0. Introduction

This chapter reviews literature concerning the study from research findings and books related to the contribution of English for specific purposes and materials in judicial section at secondary schools. Moreover, this study focuses on the importance of teaching materials in learning and teaching English for specific purposes (E.S.P). In this connection, Robinson (1991:56-58) states: "*Materials have greater face validity in terms of the language dealt with and the contexts they are presented in*".

In fact, the teaching materials must be adapted because adapted materials are more suitable to English for specific purposes (E.S.P) learners. Much research has been conducted in language teaching. Among them, most technical schools were targeted. We have "Reading for science students" written by Simvura, (1979), in her thesis, she proposed an English programme for second scientific form. To attain her objectives, she has chosen a number of reading texts. These texts are only about scientific subject matters: physics, biology, chemistry. It is important to note that her work was an attempt to change what was going on in scientific sections.

In fact, the English programme was the same for the existing sections and she was convinced that English programme for science must differ from the one of the literary sections. Ndayishimiye (1983) wrote "Developing Reading Skills in the Burundi Medical Secondary School Training Nurses at Gitega". Her work is intended to enable students of that school to read simplified texts, with adequate understanding by developing skimming, scanning, comprehensive reading, paragraph analysis and reading speed.

Nizigiyimana (1982), in her thesis entitled *Teaching English in Agricultural Secondary Technical school* proposed teaching materials which are series of text related to agricultural domain.

Nuyu (2004) dealt with *Contribution of English for Specific Purposes for Economics Sections*. He first of all showed the inappropriacy of "Project Aftermath" now taught in Economics sections and pointed out some of its weaknesses. He, finally, proposed a teaching material for Economics section.

In this programme, he has chosen a number of reading texts related especially to international Trade, Barriers to world Trade etc. He made up some comprehension questions and multiple choice questions from these reading texts. He, then, made up grammatical structure such: The use of prefixes, points for generalisation, articles etc; related to words from the reading texts he proposed.

Note that in all the above mentioned works, researchers were motivated to provide an adequate English syllabus which fits to those technical schools needs. Although, some of them focussed on one or another language skills (writing, reading, listening, speaking) while others gave prominence to the ways of teaching English language.

However, there was no research attempting to conceive an adequate programme to solve this situation in judicial section. Talking about adequate material support, Ward Heneveld, (1993) says "*Material support for a school is adequate for effectiveness when textbooks and other reading materials in appropriate language with relevant contents are available*".

Teachers have guides that outline who to teach and how to teach and provide diagnostic and evaluation materials to use with students. They have to use textbook or any teaching material that is relevant to students' interests and objectives in the suitable way.

2.1. Identification of the Needs and Objective of English for Specific Purposes Teaching

It is clear that the task and aims of any language teaching is to carry out given information. In this connection, Richterich (1993:7) states:

> *In the aim of teaching, a foreign language is to render the learner capable of making use of it at whatever level independently of the conditions in which he learned it, he must be taught to become increasingly less dependent.*

In fact, a learner learns successfully a foreign language when he understands and finds it interesting and fits his objectives. In this reason, English for specific purpose is powerful means for such opportunities. Learners will then acquire well English when they use materials which they can use in their professional work or further studies. Indeed, learners of English for specific purposes are particularly well-disposed to focus on meaning and context in the subject matter field.

In this regard, English should be presented not as a subject to be learned in isolation from real use nor as a mechanical skill to be developed. On the contrary, English should be presented in authentic contexts to make the learners be equipped with knowledge which will enable them to use the English language in such way that they will need to perform in their fields of specificity or jobs.

2.2. Advantages of Good Teaching Materials

The good teaching material is the one which is relevant to what the learners need to learn, that is what they will do with English upon completing their courses. It has also to be the one which is capable of helping learners to use language effectively for their own purposes.

The teaching of a language can not hold without materials. Materials are like a ladder that learners and teachers use to get access to knowledge.
In this view, cunnings worth (1984:59) states:

> *A course-book that is going to be used by student should contain something that he wants to learn about or involves himself in quite apart from the interest a learner language itself.*

In fact, good textbooks contain lively and interesting materials, they provide a sensible progression of language items, clearly showing what has been learned and in some cases summarizing what has been studied. Good material also relieves the teacher from every class. Good teaching material should have something that arouses the learners' emotion and allow them to express themselves. The material should engage the learners in a need and enjoyment to interact with one another. This involves the teacher who must look beyond the confines of the classroom into the outside world and focus his/her attention on the use that the individual learner will make of what he has learned in a situation which is not primarily an established learning situation.

Learners, within the framework of the materials should be given the possibility to tackle the everyday life. In this connection, cunning (1984:60) states in his work:

> *When given the opportunity to talk about their feelings and attitudes, students tend to communicate because they can convey things which are important to them and which are of immediate relevance to their present lives.*

Moreover, the materials may be of a wide range and not focussing on the same area. The teacher has then the task to choose from among this range of materials

the ones which are useful to his teaching objectives and learners' needs and the level of proficiency.

In this regard, Stevens (1983:26) establishes characteristics that materials need to process and which enable the teacher to choose those which suit his teaching objectives. For him, materials should be realistic that is capable of being used by teachers and learners. It should also be relevant to the particular points in the learner's progress to his aims and age-group.

2.3. The Teacher's Role in Language Teaching

The teachers who are supposed to educate learners should know learners objectives or needs and how language works in communication and how it is used successfully for understanding. The learning of a language does not only take place as a direct result of the teacher's own instruction. There are many factors that come into play in the learning and teaching of language. To this view Rivers (1968:20) determines:

> *The teacher needs to consider the age of the students, their scholastic background, their culturally absolved ways of learning and their objectives in studying the language (to communicate orally, to read specialized texts about other people and culture) without ignoring the political and social pressures that are largely determining their motivation.*

Teachers have to relate the language to what learners need and what they will do at the completion of their studies. Furthermore, each teacher has a personality to express. There are individuals who teach and interact most effectively when what they are doing conforms to what they feel most comfortable doing.

Teachers should be looking for the suitable method for teaching language, the appropriate approach, and design of materials or set of procedures in a particular case. Rivers (1968:41) goes on saying:

> *Teachers need to be flexible, with a repertoire of techniques they can employ as circumstances dictate, while keeping interaction between teacher and student, student and teacher, student and student, students and authors of texts and students and computer program.*

In relation to the role of teacher, even when the teacher is using a book which has been published by scholars, he has to consider whether it should be adapted or complemented, so that it will be more suited to his learners needs.

In addition, every teacher has to decide what language topics or situations he should include in additional practice activities that he organises.

2.4. Legal System

2.4.1. Background to the Legal System

Since the colonial period, the judicial system moved from customary law to positive law and it adopted civil law system following the example of the Belgians who were the colonialists. At independence, positive law covered all branches of law, with the exception of some private, civil law issues. After independence, positive law has come to govern almost all the fields of society, with important exceptions related to inheritance, marital property, gifts liberalities, acquisition and sale of non-registered land and relationships between employers and workers of the traditional or unstructured sector. Reforms are proposed finally to codify the remaining areas covered by customary law.

2.4.2. The Burundian Legal System

The judicial system is organized through the code of organization and judicial competence of 17 March 2005. The independence of the judiciary is guaranteed by the constitution, which separates the judiciary, the executive and legislative body. There are formal and informal mechanisms of conflicts management provided under the code.

At hills level, there are the courts of hill "intahe yo ku mugina" in which elders "abashingantahe" and elected people on the hills, comprise the bench, the current municipal law has conferred upon them power reconciliation the parties. However, they do not have the right to impose punishments.

At the commune level, there are the "courts of residence" or magistrate courts: Tribunal de residence, which handle both criminal and civil cases. The courts of residence has criminal jurisdiction to impose jail sentences for up to 2 years, and in its civil jurisdiction, a fine of up 1.000.000 Burundi Francs. It also has jurisdiction over land matters and matters relating to evictions.

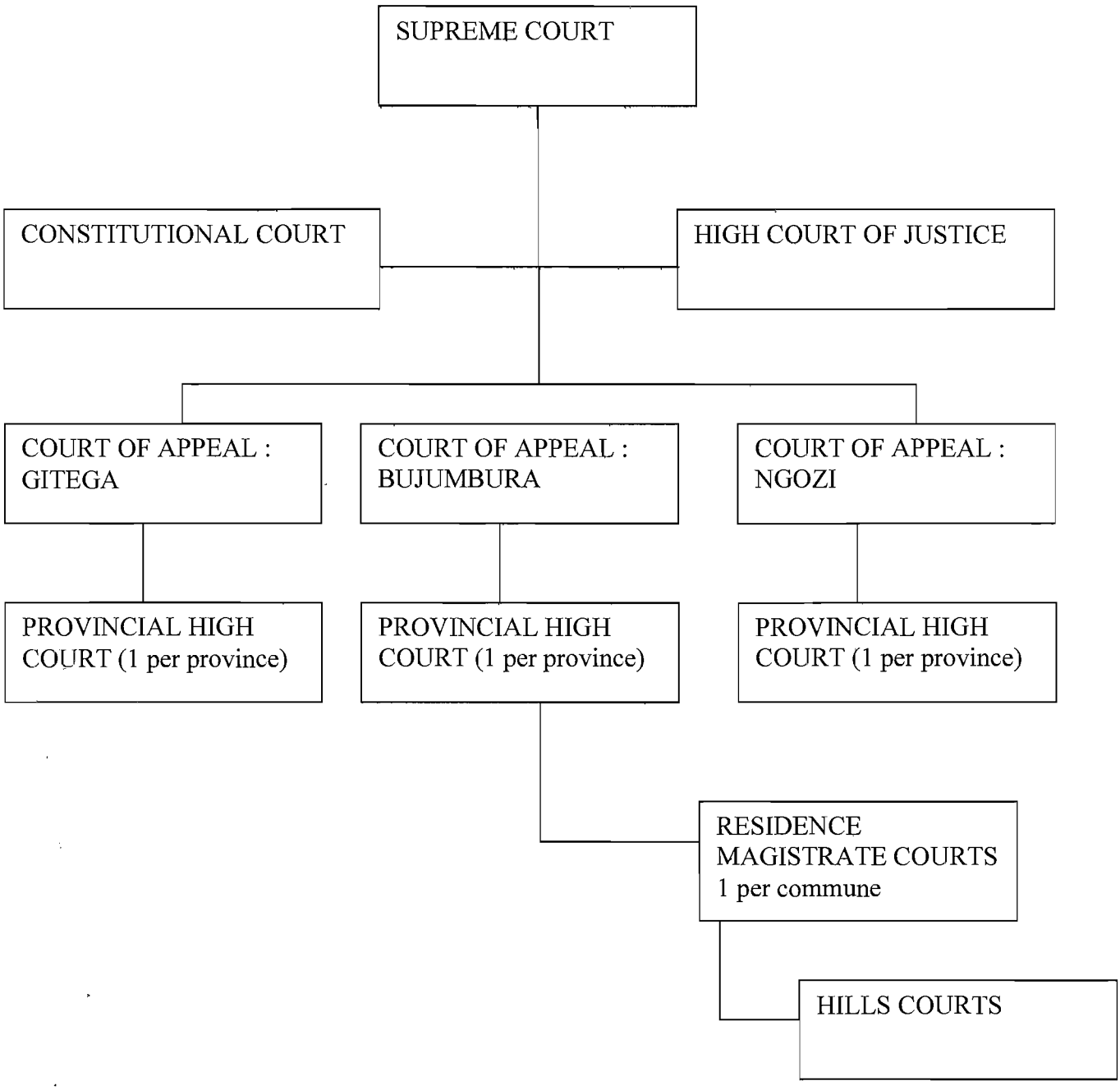
At the province level, there are county courts: Tribunaux de Grande Instance, which are then followed by three courts of appeal based at Bujumbura, Gitega and Ngozi. The Supreme Court stands at the apex of judicial authority and has both original appellate jurisdictions over civil and criminal matters. The constitutional court is a key specialized court that presides over matters of a constitutional nature and decides on issues relating to human rights violations. The constitutional court together with the Supreme Court, constitute the high court of justice, which has competence to try a seating president and other senior members of the government of high treason. Specialized courts including commercial, administrative, labour and court martial also exist.

2.4.3. Sources of Law

The operative supreme law is the Burundi constitution adopted through a referendum in 2005. The constitution empowers parliament to make organic laws as well as statutory laws to give effect to the constitution and facilitate conduct of public life within the state, international instruments specifically incorporated by the constitution are equally directly applicable in the country. Regulatory frameworks are envisaged to be developed by administrative bodies and may be modified by legislative procedure upon advice of the constitutional court. It is explicitly provided also that presidential decrees duly advised by the constitutional court can modify legislation. The position of customary law however remains uncertain, since the constitution is silent on this issue. However, the practice is that at the local level, particularly matters of succession and inheritances are governed by customs. Other sources are treaties and international conventions, jurisprudence and doctrine. There is a code of laws that contains most legal texts used in Burundi.

Apart from that document which has to be up dated, after promulgation, all instruments are published in an official gazette: BOB (Bulletin Officiel du Burundi) which is published on a monthly basis. However, some cases dealing with special issues (sexual matters) can be found in some NGO_s like, avocats sans frontiers, Association des femmes juristes.

2.4.4. Burundian Judicial Structure



There is no system of compilation of cases and other judicial decisions. Each court and tribunal has its own system of keeping information and cases can be found in the relevant court or tribunal. There is a project of gathering national jurisprudence conducted by RCN and Global Rights (NGOs) which is still going on.

2.5. Proposed Teaching Programme

2.5.1. Introduction

The aims of a course are determined by particular needs and interests of learners, which lead to the preparation of teaching material to meet those needs. However, in selecting course content, one has to pay attention to a number of factors such as the specific level of the students, their objectives and the teaching time available.

This chapter intends to answer the question of what should be taught in the judicial section. It comprises, on one hand different judicial reading passages and their related questions. On the other hand, there are grammatical exercises that refer to the different structures found in the texts or most commonly used in English. In other words, this chapter will consist of proposed texts and after some texts, there will be explanations of the difficult words followed by the proposed exercises on the different domains of general English, that is grammar also related to judicial texts.

As far as course designing is concerned, we have taken into account different criteria as suggested by Donough (1984). He proposed the following grammatical structural patterns. Forming nouns from the following verbs, use in-or-un- to make the negative of the following adjectives. Fill the blanks with the following words from the text. Make up your own sentences using the construction given. Choose the correct answer among the following sentences. Give the opposites of the following words. This is therefore the criteria we will follow when it comes to designing courses.

A. Vocabulary from Burundian "Legal System"

- Customary law: unwritten law relating to custom.
- Positive law: Law actually and specifically enacted or adopted by proper authority for the government of an organized society (Law which is operating).
- Civil law: Laws concerned with civil or private rights and remedies as contrasted with criminal laws.
- To handle: to manage, direct or operate.
- Jail sentence: prison sentence; a judiciary decision by which an accused person is put into prison.
- Eviction: the act of depriving a person of the possession of some thing which he has held.
- Court: an organ of the government belonging to the judicial department, whose function is the application of the laws to controversy.
- Organic law: the fundamental law, or constitution of a state.
- Statutory law: the body of law created by acts of the legislature in contrast to constitutional law and law generated by decisions of courts.

B. Comprehension Questions

1. What kind of law first adopted by Burundi judiciary system?
2. Give the difference between the judicial system of colonial period and the one after the independence?
3. By what is the independence of the judiciary guaranteed?
4. Give the difference between the court of hill, the court of residence and the county courts?
5. In what is the high court of justice competent?
6. Why can we say that customary law is uncertain?

7. Name the different sources of law.
8. When has the code of organization and judicial competence been adopted?

C. Grammar

1. The use of "since" meaning "because".

e.g.: - The position of customary law remains uncertain since the constitution is silent on this issue.

It means: The position of customary law remains uncertain because the constitution is silent on this issue.

- Since you have not time to explain me difficult words, I go to sleep.

D. Exercise

1. Make up five (5) sentences using the word "since" as above.

2.5.2. Criminal and Civil Law

Criminal law involves prosecution buy the government of a person for an act that has been classified as a crime. Civil cases, on the other hand, involve individuals and organizations seeking to resolve legal disputes. In a criminal case, the state, through a prosecutor, initiates the suit, while in civil case the victim brings the suit. Persons convicted of a crime may be incarcerated, fined, or both. However, persons found liable in a civil case may only have to give up property or pay money, but are not incarcerated.

A "crime" is any act or omission (of an act) in violation of public law forbidding or commanding it. Though there are some common law crimes, most crimes in the United States are established by local, state, and federal governments. Criminal laws vary significantly from state to state. There is, however, a Model Penal Code (MPC) which serves as a good starting place to gain an

understanding of the basic structure of criminal liability. This penal code holds a set of rules of law relating to punishment of crimes.

Crimes include both felonies (more serious offences, like murder or rape) and misdemeanours (less serious offences, like petty theft or jaywalking). Felonies are usually crimes punishable by imprisonment of a year or more, while misdemeanours are crimes punishable by less that a year.
However, no act is a crime if it has not been previously established as such either by statute or common law. Recently, the list of Federal crimes dealing with activities extending beyond state boundaries or having special impact on federal operations has grown.

All statutes describing criminal behaviour can be broken down into their various elements. Most crimes (with exception of strict-liability crimes) consist of two elements: an act or "actus reus," and a mental state, or "mens rea". Prosecutors have to prove each and every element of the crime to yield a conviction. Furthermore, the prosecutor must persuade the jury or judge "beyond a reasonable doubt" of every fact necessary to constitute the crime charged. In civil cases, the plaintiff needs to show a defendant is liable only by a "preponderance of the evidence," or more than 50%.

Definition from Nolo's *Plain-English Law Dictionary*

Criminal laws are laws written by congress and state legislators that make certain behaviour illegal and punishable by fines and/or imprisonment. Criminal law also includes decisions by appellate courts that define crimes and regulate criminal procedure in the absence of clear legislated rules. By contrast, civil laws are not punishable by imprisonment. In order to be found guilty of a criminal law, the prosecution must show that the defendant intended to act as he did; in civil law, you may sometimes be responsible for your actions even

though you did not intend the consequences. For example, civil law makes you financially responsible for a car accident you caused but didn't intend.

2.5.3. The Source of English Law

In England like in other countries the sources of law are the sources to which the courts turn in order to determine what it is. In another way, it is the source from which a law is formed. The courts are then the interpreters and declarers of the law.

Considered from the aspect of their sources, laws are traditionally divided into two main categories according to the solemnity of the form in which they are made. They may either be "written" or unwritten. These traditional terms are misleading, because the expression written law signifies any law that is formally enacted, whether reduced to writing or not, and the expression unwritten law signifies all unenacted law.
For example, as will appear, judicial decisions are often reduced to writing in the form of law reports, but because they are not formal enactments they are unwritten law.

Since the fashion was set by the code Napoléo many continental countries have codified much of their law, public and private. On the continent, therefore, the volume of written law tends to preponderate over the volume of unwritten. But in England unwritten law is predominant, for more of England law derives from judicial precedents than from legislative enactment. This does not, of course, mean that none of English law is codified; for many parts of it are; such as the law relating to the sale of goods (sale of goods act 1979) and the law relating to partnership (partnership Act 1890).
All that is meant is that, as yet at least, although parliament casts increasing multitudes of statutes upon people, they have not adopted the system of wholesale codification which prevails in many continental countries.

Two principal and two subsidiary sources of English law must be mentioned. These principle sources are legislation, and judicial precedent; the subsidiary sources are custom and books of Authority.

2.5.3.1. Principal Sources

1° Legislation

Legislation is enacted law. In England, the ultimate legislator is parliament, for in its traditional constitutional theory parliament is sovereign. Here we are only concerned to explain the significance of the doctrine of parliamentary sovereignty. It means first, that all legislative power within the realm is vested in parliament, or is derived from the authority of parliament, parliament thus has no rival within the legislative sphere and it means secondly that there is no legal limit to the power of parliament. Parliament may therefore, and constantly by Act, delegate legislative powers to other bodies and even to individuals but it may also, by Act, remove these powers as simply as it has conferred them.

By Act, moreover, Parliament may make any laws it pleases however perverse or wrong and the courts are bound to apply them. The enactments of Parliament are not subject to question, for the constitution knows no entrenched rights similar to the fundamental liberties guaranteed by the Supreme Court. It will have been noted that England has referred to the traditional theory. This is intended to serve as a warning that when constitutional law falls to be discussed the effects of common Market membership upon that theory will have to be considered.

In the legislative sphere Parliament is thus legally sovereign and master, but this does not mean that the courts have an influence upon the development of enacted law; for, in order to be applied, every enactment, however it be promulgated, has to be interpreted (or construed) and the courts and tribunals are

the recognized interpreters of the law. The meaning of words is seldom self evident; they will often bear two or even more possible interpretations and hence the courts must always exercise a considerable degree of control over the practical application of statutes (enactments of parliament).

2° Judicial Precedent

In all countries, at all times, the decisions of courts are treated with respect, and they tend to be regarded as precedents which subsequent courts will follow when they are called upon to determine issues of a similar kind. This reliance upon precedent has been both that hallmark and the strength of the common law. Its rules have been evolved inductively from decision to decision involving similar facts, so that they are firmly grounded upon the actualities of litigation and the reality of human conduct.

The administration of justice is not therefore a slot machine process of matching precedents. The judges have a field of choice in making their decisions. But, they do not exercise their discretion in an arbitrary way; they rest their judgements upon the general principles enshrined in case-law as a whole. Case-law does not consist of a blind series of decisions, "A will succeed" or "B will fail", but of reasoned judgements based upon rational principles. These principles have been evolved by the courts through the centuries: and building precedent upon precedent, they have framed then with two ends in view. First they have sought so to formulate them that their application may be capable of effecting substantial justice in particular cases, second, they have sought to make them sufficiently general in scope to serve as guides to lawyers faced with the task of giving advice in future legal disputes.

2.5.3.2. Subsidiary Sources

1° Custom

Customs are social habits, patterns of behaviour, which all societies seem to evolve without express formulation or conscious creation. In a sense custom should be accorded pride of place as one of the principle sources of law for much, if not most law was originally based upon it. Moreover custom is not solely important as a source of law, for even today some customary rules are observed in their own right and they command almost as much obedience as proper rules, they only differ from rules of law in that their observance is not enforced by the organs of the state. Thus, it will be seen... that many of the fundamental rules governing the constitution are "conventional" (i.e. customary) rather than legal rules.

However in modern times, most general customs (i.e. customs universally observed throughout the realm) have either fallen into desuetude or become absorbed in rules of law.

For example, many of the early rules of the common law were general customs which the courts adopted and by this very act of adoption made into law. So, too much of the modern mercantile law has its origin to the general customs of merchants which the courts assimilated during the course of the seventeenth and eighteenth centuries and indeed, they are still assimilating international banking practice. So also many of the rules of the law relating to the sale of goods originated as customs were adopted by the courts and eventually moulded into a statutory code by the sale of goods Act 1893.

On the other hand customs, prevailing among particular groups of people living in particular localities, are sometimes still recognized by the courts as capable of creating a special "law" for the locality in question at variance with the general law of the land. For instance, in a well known case the fisherman of Walmer

were held entitled, by reason of a local custom, to a special right to dry their nets upon a particular beach. But recognition of such variants upon the general law will only be accorded if certain conditions are satisfied. The following are among the more important of those conditions: the custom sought to be established must not be unreasonable, be certain, that is to say the right which is claimed must be asserted by or on behalf of a defined group of people, must have existed since time immemorial. Literally this means that it must last a long time.

1° Books of Authority (Doctrine)

On the continent the writing of legal authors form an important source of law. In England, in accordance with the tradition that the law is to be sought in judicial decisions, their writings have in the past been treated with comparatively little respect. They have been cited in court, if cited at all, rather by way of evidence of what the law is than as independent sources from which it may be derived.

This general rule has, however, always been subject to certain recognized exceptions; for there are certain "books of authority" written by authors of outstanding eminence, which may not only be cited as independent sources in themselves for the law of their times but which also carry a weight of authority almost equal to that of precedents.

From: *English for Law*

A. Vocabulary

- Courts : It is frequently used as a metonymous substitute for judge
- Interpreters: the ones who apply the legal standard to expressions in order to determine their meaning
- Misleading: leading to error or mistakes
- Enacted: legally adopted

- Enactments: the action or process of enacting a statute
- Preponderate over: predominate on, exceed
- Precedents: the previous decisions of courts
- Code: a system of principles or rules of law
- Codified: reduced into code
- Partnership: a legal relation existing between two or more persons contractually associated in business for ex.
- Prevail: predomination
- Sovereign: independent
- Doctrine: system of belief
- Legal: related to law; allowed or required by law
- Bodies: a group of individuals organized for some purpose: ex. judiciary body, parliamentary body
- Constitution: fundamental law on which other rules of law turn
- Guaranteed: made and known
- Supreme court: the highest court of appeal
- Custom: social habits which members of a given community adopt
- Promulgate: to proclaim or make known by public declaration
- Tribunals: platform for magistrates
- Judicial: relating to court of justice or law
- Issues: controversy
- Hallmark: an official mark stamped on gold and silver articles in England
- Inductively: in the way which shows facts for the purpose of proving a general statement
- Discretion: power of free decision
- In arbitrary way: with a purpose that is excessively imposed
- Judgements: a formal decision given by a court or tribunal

- Lawyers: persons whose profession is to conduct lawsuits for client or to advise as to legal rights
- Have fallen into desuetude: when a law is not clear
- Adopted: legally made
- Legislative enactment: statute adopted by parliament

B. Exercises

I. Check that you understand the question below:

a) What are the two main types of sources of law?
b) Is most English law written in a Code?
c) Who makes legislation in England?
d) Can the English courts influence the effect of legislation?
e) Has English law developed from fixed general rules? Or trough decisions in individual cases?
f) Is custom important as a source of law in the story of the law in England?
g) Are books of authority more important as a source of law in England?

II. Check that you understand the detailed questions below.

a) Is any law which is written defined as "written law"?
b) Are codes of law popular in continental countries?
c) Is most continental law generally written or unwritten?
d) What do you understand by legislation?

III. Complete the following passage to check that you have understood the text. For each blank space, choose the correct word from the list below. Use each word once only.

In many (1) ..... countries much of the law is (2) .....
For this reason there is more written, or (3) ..... law than (4) ..... law. In contrast, there is no general code of (5) ..... law. Still, (6) ..... is common, and

many areas of law, e.g. (7) ..... are codified, but (8) ..... is the main source of the law.

Choose from:

a) Partnership b) enacted c) continental d) unwritten e) English f) judicial precedent d) legislation h) Codified.

IV. Now chose the correct answer. Base your answers on the reading passage, not on your own opinions.

1. The sources of law are:
   a) declares of the law.
   b) laws which are formally enacted whether writing or not.
   c) the sources to which the courts turn in order to determine what it is.
   d) judicial decisions reduced to writing in the form of law reports.

2. In England unwritten law is
   a) codified
   b) predominant
   c) related to partnership
   d) related to sale of goods.

3. In the legislative sphere Parliament is.
   a) submitted to some judicial decisions
   b) very weak
   c) sovereign and master
   d) decision maker

4. Judicial precedents are:
   a) decisions of ministers.
   b) decisions of parliament.

c) decisions of president

d) decisions of courts and tribunals

C. Comprehension Questions

1. What are the principal sources of English law
2. What are the two subsidiary sources of English law?
3. Find out the difference between written and unwritten law.
4. Have courts any influence upon the development of enacted law? How?
5. In what are customary rules different from rules of law?

D. Grammar

D.1. Prefixes

Consider the following sentence from the text: judicial decisions are often reduced to writing in the form of law reports but because they are not formal enactments they are unwritten law.

Unwritten law means all unenacted law. The prefix un-appears to mean the opposite of written law. In order word, there is a negative meaning carried out by the word un-, that is a prefix as it occurs before the root. For instance we have: unreasonable: not reasonable; uncertain: not certain or not right, unenacted: not enacted

The prefix in-, and ir- are also negative in meaning.

Im- occurs before words beginning with b, m and p.

Ir-or il- occurs before words beginning with r, or l and in- occurs before words beginning with most other letters.

There is also il-, example: illegal=not legal.

ir-, example: irregular=not regular.

D.2. Exercise

Example: -Probable – improbable.

- Responsible – irresponsible

-Direct – indirect

Add the correct prefix to the following words

1. aware
2. justice
3. complete
4. possible
5. regular
6. pure
7. Perfect
8. popular
9. equal
10. likely
11. enacted
12. discretion

The prefixes dis- and non- are also negative in meaning like most prefixes, non- is joined directly to a word. In some cases, hover, there is a hyphen (-) between non- and the word.

Example:-Non-violence

-Non-verbal

D.3. Use of "so that" to express "in order that"= so as"

e.g. 1°. Its rules have been evolved inductively from decision to decision involving similar facts, so that they are firmly grounded upon the actualities of litigation and reality of human conduct.

- Its rules have been evolved inductively from decision to decision involving similar facts so as they are firmly grounded upon the actualities of litigation and reality of human conduct.

2°. Transform the following sentences as above.

1. He did not make unlawful acts so that he is guilty of nothing

2. He took his rain coat so that he wouldn't get wet if it rained.
3. She always makes a list before she goes to the supermarket so that she won't forget any thing
4. My elder sister is going to buy a sewing machine so that she will be able to make her own clothes.

2.5.4. Jurisdiction over the Person

2.5.4.1. Introduction

Jurisdiction over the person is the ability of the court to exercise a power over a person.

Before a court can exercise its power over an individual or a thing, e.g. real estate, it must have jurisdiction over that person or thing. Traditionally, it was analyzed in three categories. These categories are: "*in Personam*" jurisdiction, "quasi *in rem*" jurisdiction and "*in rem*" jurisdiction.

In personam jurisdiction refers to jurisdiction over a natural person or corporation. When obtained, the court then has the power to render a judgment against that person or corporation.

Quasi in rem jurisdiction exists when an action is begun by seizing property owned by the defendant in the forum state. The item seized provides the jurisdiction for the court to decide the owner's rights in the property without having jurisdiction over the person. ie., the owner of the seized property.

In rem jurisdiction is jurisdiction over a thing and gives the court power to adjudicate a claim concerning a piece of property, such as a parcel of real estate, or status, such as a marriage.

Procedural due process is also required. In order words, a defendant must have adequate notice of the action against him and must be provided an adequate opportunity to be heard.

2.5.4.2. Basis of Jurisdiction over Individuals' Presence

The traditional basis for jurisdiction over individuals was physical presence of individual in the forum state. In the early landmark decision of Pennoyer V., the court held that a state court can always exercise jurisdiction over a person who was served with process in that state. This remains true today. It was also decided early in time that it did not matter how long an individual was present in the forum state. Momentary-presence is sufficient for the forum state to obtain jurisdiction over a person, and service of process during the momentary presence is sufficient basis upon with which to obtain a judgement.

2.5.4.3. Basis of Jurisdiction over Individuals' Domicile

A person's domicile is generally ascertained by that person's place of dwelling and intention to remain there indefinitely or permanently. To ascertain permanentness, courts generally look to place of voting, place of ownership of property, place of occupation and location of family. Even if a person is absent from his or her domiciliary state, service of process emanating from the domiciliary state to that person in another state is valid. The rationale for this is that the domiciliary state provides privileges and certain protections to its domiciles and therefore may also exact duties.

2.5.4.4. Basis of Jurisdiction over Individuals' Residence

Some states permit jurisdiction over a person to be exercised on the basis of residence in the forum state. The relational, although not quite as strong, is the same as it is for jurisdiction based on domicile, the forum state grants certain privileges to the resident and is therefore entitled to assert jurisdiction over it.

2.5.4.5. Basis of Jurisdiction over Individuals' Consent

Consent of the individual is an additional basis of jurisdiction. Presence, domicile and residence are irrelevant if the defendant consents to jurisdiction over him. In contracts between persons from different states, clauses are often inserted requiring one party to consent to the jurisdiction of the other part's courts. One party is often required to designate a third party as an agent to receive service of process. Such clauses are valid, and so is the court's jurisdiction based on them.

Consent also existed if defendant appeared in court to contest a lawsuit on its merits. This was formerly called a general appearance. If the defendant made an appearance only to contest jurisdiction, it was called a special appearance and did not subject him to the general jurisdiction of the court.
Similarly, a plaintiff consents to jurisdiction of the court in which he files suit and therefore can be property served with a counterclaim. Such a plaintiff can not escape the jurisdiction of the counterclaim by subsequently dismissing the original action.

2.5.4.6. Basis of Jurisdiction over Individuals' Ownership of Property in State

Some state statutes provide jurisdiction for their courts over owners of property in that state if the cause of action against the owner arises out of the ownership of the property. Thus, where the defendant was domiciled in New Jersy and owned land in Pennsylvania, and plaintiff was injured by broken sidewalk in front of defendant's Pennsylvania land, jurisdiction existed in Pennsylvania over the owner of the Pennsylvania land, although he was domiciled in New Jersey.

The court reasoned that the Defendant voluntarily chose to own the property in Pennsylvania and had received certain benefits from the state, primarily

protection of his property rights. Therefore, he owed the state the duty of being sued in its courts in actions arising out of that property ownership.

From: *Civil procedure*, second Edition. By cohn, Rossen, Schaefer and sogg

A. Vocabulary:

- corporation: an entity, organization that has legal personality i.e that is coupable of enjoying and being subject to legal rights and duties.
- seizing property: taking possession of property by legal rights
- defendant: a person required to make answer in a legal action or suit in front of judges. The person accused in criminal case
- demandant: a person who makes a demand or claim in justice or the plaintiff
- to adjudicate: to judge, to settle in the exercise of judicial authority
- blurred: to be not clear, obscure
- liability: responsibility or an obligation one is bound in law or justice to perform
- violated: not respected, broken down
- landmark decision: a decision of the supreme court that significantly changes existing law
- to ascertain: to estimate and determine
- ownership: the fact of possessing some thing
- to grant: to bestow or confer upon some one other than the person or entity which makes the grant
- counterclaim: a claim presented by a defendant in opposition to or deduction from the claim of the plaintiff
- plaintiff: a demandant

- lawsuit: an action or proceeding in a civil court; an process in law instituted by one party to compel another to do him justice.

B. Comprehensions Questions

Answer the following questions in full sentences. Base your answers on the reading passage not on your opinions.

1. What do you understand by jurisdiction over the person?
2. In how many categories was it traditionally analyzed?
3. Why must one of three bases of jurisdiction exist over a person or property?
4. What do you understand by a person's domicile?
5. At what does a court look to ascertain domicile's permanentness?

C. Exercises

Complete these sentences according to information given.

1. In personam jurisdiction refers to……over a natural person or…..
2. Quasi in rem jurisdiction exists when an action is begun by ….property owned by….in the forum state.
3. In rem jurisdiction is jurisdiction over….and gives the court power to…..a claim concerning a piece of property
4. A person's domicile is generally ascertained by that person's place of….. and…..to remain there indefinitely or permanently.
5. Even if a person is…..from his or domiciliary state, service of process emanating from the domiciliary state to that person in another state is….
6. Some states permit jurisdiction over a person to be…… on the basis of ……in the forum state.

7.....are irrelevant if the defendant consents to jurisdiction over him.

8. In contracts between persons from different states,....are often inserted requiring one party to consent to the jurisdiction of the other party's....

9. Consent also existed if a defendant .... In court to contest a .....on its merits.

D. Grammar

Consider the following sentences from the reading passage:

- In contracts between persons, clauses are more valid. This underlined word expresses the idea of comparison. There are different types of comparison.

1. Equal comparison

As.....as....., not as.....as

Example: He is as intelligent as his father.

2. Comparatives

Superiority: - Short adjective (1 or 2 syllables)+er

Exemple: long-longer, fast-faster

- long adjective (2 or more syllables): more+adjective+than

Example: - More intelligent than....

- more comfortable than....

Inferiority.

Less+Adjective+than

Less interesting than...

3. Superlatives

Short adjective+est: example: the shortest, the tallest.

Most+long adjective. Example: the most eligible

Least+long adjective, example: the least expensive.

Notice the following irregular for: good-better/bad-worse/far-further, furthest

2.5.5. Jurisdiction over Things

2.5.5.1. Introduction

Jurisdiction over things is commonly referred to as "in rem" jurisdiction. In such an action, personal liability is not sought, but rather plaintiff seeks to affect the interests of persons in a specific property. Certain "in rem" actions, such as admiralty cases, where the ship itself is a defendant, and actions under land registration statutes, purport to affect the interests of all persons in the property. Most in rem actions, however, purport to affect the interests of only certain specified persons in the property.

Examples of such actions are quiet title and foreclosure.

The concept of in rem jurisdiction has also been extended to cover actions seeking to affect a status, e.g., divorce actions in which the marital status is the thing or "property" on which jurisdiction is exercised.

In rem jurisdiction has been upheld in actions for a specific performance of contracts to convey land to plaintiff as long as the out of state defendant was given reasonable notice. The rationale for this result is based on the equitable notion that a conveyance could be ordered as substitute for punishing as contempt the defendant's refusal to convey.

2.5.5.2. Jurisdiction over Things-quasi in rem Jurisdiction

"Quasi in rem" jurisdiction involves the attachment of a person's property which are seized only for the purpose of satisfying a possible judgement against the defendant, since "in personam" jurisdiction was not attainable.
For example, a plaintiff wishing to sue a defendant for breach of contract in California State his property located within the boundaries of the California State court even though the contract itself had no connection with California and even though the defendant did not have sufficient contacts with California to enable it to subject him to in personam jurisdiction.

The jurisdiction is "quasi in rem" because the court is able to adjudicate the case only because the defendant had property within the state which has been attached but the subject matter of the suit may be wholly unrelated to the property seized.

NOTE: Inconsistent definitions of "in rem" and "quasi in rem" are found in literature. For example, some authorities include within the definition of "quasi in rem", suits which are about a particular piece of property but which affect only the interests of certain specified people in that property, a mortgage on real property would fit this definition since only the interest of the mortgage and mortgagee and not that of a person with superior title to either with will be affected.

"Quasi in rem" actions generally are for money damages which are awarded by selling the attached property owned by or garnishing the wages owed to the defendant within the forum state. "A quasi in rem" judgement may be satisfied only out of the attached property. "Quasi in rem" judgements generally have no "res judicata" value, as they generally only affect the attached organised property.

Thus, if the attached property is sufficient only to allow satisfaction of a portion of plaintiff's claim, plaintiff may bring another suit and force defendant through another trial on the merits to fully satisfy his judgements.

Many courts recognize an exception to this rule: when a defendant fully litigates certain issues, he is not allowed to relitigate those issues, in subsequent trial nor will the plaintiff permit it to do same.

From: *Civil Procedure*, second edition. By Cohn, Rossen, Schaefer and Sogg

2.5.5.3. Administrative Law

Administrative agencies usually are created to deal with current or to redress serious social problems. Throughout the modern era of administrative regulation, which began approximately a century ago, the government's response to a public demand for action has often been to establish a new agency, or to grant new powers to an existing bureaucracy. Near the turn of the century, agencies like the Interstate commerce commission and the federal Trade commission were created in an attempt to control the anticompetitive conduct of monopolies and powerful corporations.

The economic depression of the 1930's was followed by a proliferation of agencies during the New Deal which were designed to stabilize the economy, temper the excesses of unregulated markets, and provide some financial security for individuals. Agencies were also established or enlarged in wartime to mobilize manpower and production, and to administer price controls and ranging from radio broadcasting to air transportation to nuclear energy, often led to creation of new government bureaus to promote and supervise these emerging industries.

In the 1960's when the injustices of poverty and racial discrimination became an urgent national concern, the development of programs designed to redress this grievances expanded the scope of government administration. More recently, increased public concern about risks to human health and safety and threats to the natural environment have resulted in new agencies and new regulatory programs.

The primary reason why administrative agencies have so frequently been called upon to deal with such diverse social problems is the great flexibility of the regulatory process. In comparison to courts or legislatures or elected executive strengths that equip them to deal with complex problems. Perhaps the most important of these strengths is specialized staffing: an agency is authorized to hire people with whatever mix of talents, skills and experience it needs to get the job done.

However, these potential strengths of administrative process can also be viewed as a threat to other important values.
Administrative "flexibility" may simply be a mask for unchecked power, and in our society unrestrained government power has traditionally been viewed with great and justifiable suspicion. Thus, the fundamental policy problem of the checks which will minimize the risks of bureaucratic arbitrariness and overreaching, while preserving for the agencies the flexibility they need to act effectively. Administrative law concerns the legal checks that are used to control and limit the powers of government agencies.

Moreover, continued exposure to the same issues may lead not only to agency expertise but also to rigidity and ineffectiveness. Indeed, scholars and other critics have identified a wide variety of causes for regulatory failure.
These substantive problems of administrative regulation are important and interesting, but they are largely beyond the scope of this text. This explanation

of the administrative process will concentrate on how it operates, on the rules of the game. Still, there is something useful to be gained from the effort to view the administrative process as whole. The student, the lawyer or the citizen who is trying to penetrate the workings of an unfamiliar bureaucracy needs a general framework of principles and doctrines in order to understand, let alone to criticize or try to change the particular agency decision making process confronting him. It is also important to remember that, despite their many differences, agencies also share several brood challenges. One is to design procedures that will strike a workable compromise among important and potentially conflicting public values. These values can be grouped into four categories.

1. **Fairness:** Concern with the fairness of government decision making procedures is primary feature of Anglo-American legal systems. The basic elements of fairness, embodied in the concept of due process, are insurances that the individual will receive adequate notice and a meaningful opportunity to be heard before an official tribunal makes a decision that may substantially affect her interest.

2. **Accuracy**: The administrative decision making process should also attempt to minimize the risk in defining and measuring accuracy. Since the goals of many regulatory programs are not simple or clearly stated, and the consequences of agency decisions may be difficult to identify, there will often be differences of opinion as to whether a particular decision was accurate or wise and how the procedures may have influenced the result.

3. **Efficiency**: Efforts to increase the fairness of administrative decision by expanding opportunities to participate, or to improve accuracy by gathering and evaluating additional information, can be very costly in

time, money and missed opportunities. Since agency resources are always limited and usually insufficient to accomplish the full range of duties imposed by statute, it becomes necessary to consider the form of an inquiry into whether additional procedural safeguards are likely to increase the fairness or accuracy of decisions enough to warrant the costs and delays they will create.

4. **Acceptability**: Because the legitimate exercise of official power ultimately depends upon the consent of governed, it is necessary to consider the attitudes of constituency groups and the general public toward the regulatory process. That is, administrative procedures should be judged not only on their actual effects, but also on the ways they will be perceived by affected interest groups. The administrative law system does not officials will perform their functions satisfactorily. It also experts the legislative, executive, and judicial branches to supervise the substance of what agencies

From: *Administrative Law and Process*. By Ernest G. and Ronald

A. Vocabulary

- bureaucracy: an organization with the chaim of command with fewer people at the top than at the bottom, with orders from the top.
- discrimination: the fact of not treating all persons equally because of their race, age, sex, nationality or religion
- threats: a harm or pain made to somebody
- effectiveness: well operating
- fairness: justice
- an inquiry: an investigation
- to warrant: to stipulate by an express covenant that the title of a guarantee shall be good

B. Comprehension questions

1. Why are administrative agencies created?
2. What was the government's response to a public demand for action?
3. What is the main reason why administrative agencies have been frequently called upon to deal with diverse social problem?
4. Name all important conflicting public values

C. Grammar

Consider the following sentences:

-The administrative decision making process must attempt to minimize the risk of wrong decisions.
-The explanation of the administrative process must concentrate on how it operates, on the rules of the game.

In these sentences, we notice that must expresses an idea of obligation. It is direct obligation in the sense that with "must" we can not refuse or argue. It is imperative in sense.
We use "must" when we give orders and when we exercise direct authority over the people and wish to make them obey without questions.
Example:
-Students must keep quiet when I am in the classroom.
- You must go home before I leave here.
However, while "must" expresses the order from someone "have to" express an order or obligation from nature, environment or from rules.

Example:

- Students have to put on uniforms. (it means that school rule requires that they put on uniforms).

- You must keep quiet in classroom. This means that the speaker wants the students to keep quiet, perhaps while he is in classroom (teacher for ex.)
- You have to keep quiet in classroom. This means that the speaker informs students that nature or school rule requires them to keep quiet, whenever they are in classroom they must keep quiet.

Grammatically, "must not" is the negative form of must. However, in the sense, it is not the negative. "Must not" also expresses commands or prohibition.

Example: students must not shout in classrooms.

D. Exercise

Express a direct obligation by putting **"must"** or **"must not"** in the following sentences:

1. We are late, we.....hurry up.
2. Authorities.....make wrong decisions.
3. People .....have right to speak.
4. The children.....go to bed at 8 0'clock.
5. They.....read book before eating.
6. Soldiers.....obey their officers.
7. You.....speak English at home.
8. Students from judicial section..... learn judicial English.
9. Everyone.....respect rules of law.
10. Man.....born sinner.

This area of study has not been widely researched on and literature related to the topic under study is hard to come by in Burundi. Even from the little literature available no studies dealing specifically with the topic under study have been carried out in Burundi.

The next chapter deals with the methods and procedures used in collecting data.

CHAPTER III

RESEARCH METHODOLOGY

3.0. Introduction

For any scientific work, there has to be a well defined methodology, describing clearly the source of information or data, the methods used to analyse the data, and all aiming at bringing the researcher to find satisfactory answers to his research questions. Thus, it is mainly concerned with definition of methodology, research population, sampling techniques, instruments and data collection procedures.

3.1. Definition of Methodology

Any scientific work requires an appropriate methodology. According to Collins (1987:911) in *English Language Dictionary*, 'methodology' is "*A system of methods and principles for doing something, for example for teaching or carrying out research, a formal or technical work*". It is then a set of methods and principle used to perform a particular activity or work.

3. 2. Research Population

Ideally, the whole population should be the best way to attain good results for any research. However, a significant portion of population has been selected to represent important characteristics of the whole population.

Muchielli (1967:8) states the following:

> *On appelle l'univers de l'enquête, l'ensemble humain concerné par les objectifs de l'enquête. C'est dans cet Univers que sera découpé l'échantillon. L'univers est aussi appelé la population.*

This can be translated as follows:

> *We understand by research population the whole group of people who are concerned by that goal of investigation. It is within that universe that the sample will be selected. The Universe is then called the population.*

Secondary schools having a judicial section are spread all over the country but only some schools located in Bujumbura and Rumonge city have been concerned. The choice of the schools is significant in the sense that private and public schools are both represented. The choice of these areas is justified by the fact that first of all so many schools having judicial section are located in Bujumbura city and they are not away from each other. Second, Rumonge is an area in which we accomplish our work and then we got facility visiting them. In few words, we could easily travel to these schools taking into account the limited finances and time that would have been used if they were scattered. We also wanted to get variety of views and opinions from each school. This should not mean however that the findings of the study are applicable only to schools within these areas but they can also be extrapolated to the rest of the country seeing that the schools have the same structure and face, almost the same problems.

To select schools in which we carried out our study, we wrote all names of schools situated in Bujumbura and Rumonge city having judicial section. They are ten, nine located in Bujumbura city and one in Rumonge city.

We have: Complexe scolaire de KANYOSHA; ETAG; CESTE ; ETCA ; ISEA, Lycée Technique des Grands Lacs ; Lycée Technique Saint Basile ; Sunshine College ; ESTA ; Lycée Islamique de RUMONGE. We wrote them on different sheets of paper. We folded them and chose only five small sheets of papers so

that we got five schools such as: Ecole Secondaire des Techniques Administratives (E.S.T.A); Institut des Sciences Economiques et Administratives (I.S.E.A);- Sunshine College, Complexe Scolaire de Kanyosha (C.S.KA); and Lycée Islamique Rumonge.

The study has been conducted in first, second and third form classes. We noticed that, there is no English course in third judicial classes, so we decided to give students from these classes some of the questions from the established questionnaire such as: Q1, Q6 &Q7 in order to know if they like English, what kind of English they want to learn and their view on the judicial English which should be adopted in their section. Since there is no English course in 3rd classes and no English teacher, we gave a questionnaire to students only.

3.3. Sampling Techniques

To collect our research data, we made recourse to the third of the number of students in each class to represent the whole (1/3) and one English teacher from each class has been included in the study. To this view, Falsold (1984:85) says that a whole population is too large to deal with in its entirety. It is then necessary to resort to a sample which consists of a small number of members of a population which can be studied in detail. The results can thus be projected to the population as a whole.

In order to choose these students, we told all students to write their names on similar pieces of paper and then after fold them and put them into a box. Finally, we asked one student to pick one at time until we have the required number of subjects in sample, that is, a third of students in each class.

The sampling technique we used was a random sampling to give each student the same chance to be selected. Furthermore, the judicial section we carried my study on comprises three classes: first, second and third forms. We noticed that

in third forms only students have been handed questionnaire because they have no English course and then no English teachers.

Then, a total of one hundred and sixty six students out of four hundred and ninety-eight and seven teachers have been selected as it is illustrated in the chart below:

Table 1: Students number in each class of selected schools

Schools / Classes	Ecole supérieure Technique d'Administration (ESTA)	I.S.E.A	Sunshine College	C.S.KA	Lycée Islamique de Rumonge
First	41	17	17	53	18
Second	34	38	10	47	24
Third	45	53	15	62	25
Total	120	108	42	162	67

3.4. Instruments

To get data needed for this study, we used two types of instruments, namely questionnaire and classroom observation. Questionnaire was used to know students' views on different questions and classroom observation helped us see how English is taught in judicial section classrooms and how students feel during English classes.

3.4.1. Research Questionnaire

This type is divided into two groups as distinguished by Pinto and Grawitz (1971: 657): open and closed question. The former let informants organise freely their answers while the latter provides the alternative answers to them among

which to choose one answer or more. The questions should therefore be formulated in such a way that they do not consume a lot of time to the informants. The questions must be clear and unambiguous. Here, we note that yes and no questions are not always objective because the answers might not be a clear yes or clear no. This is the reason why we gave two types of questions: open and closed questions.

The choice of one or another type of question depends on the type of information the researcher is looking for. We prepared two kinds of questionnaire, one for teachers and another for students. The questionnaire prepared for students aimed at knowing student's views on prevailing English programme and the one they should learn in judicial section. The teacher's questionnaire aimed also at informing us about their view on the English they teach and about the English programme that should be taught in judicial section.

3.4.1.1. Teachers' Questionnaire

Like their students, we thought that teachers who where regularly using or had once been using a given programme were undoubtedly in a good position to provide the most reliable description of it. Besides, the same teachers are also the most accurate sources that can provide reliable opinions about the suitability or inappropriateness of the prevailing English programme, in accordance with their students' needs or objectives.

In fact, wherever the situation sounded practically fair, a systematic parallelism between students' and teachers' questions was adopted. Therefore, if some of their responses and opinions happen to be eventually similar, this would bring in a clear fact to reinforce their veracity and reliability as well, even though it is not the exclusive unique factor to rely on. The questionnaire was administered to teachers and students with a letter requesting their help for completion of my work.

3.4.1.2. Students' Questionnaire

Students were also asked to give their views on what they always learn in English course and on the English programme they should learn in their section. The questions were not very different from the teachers' ones so that some of their responses would provide a clear fact to reinforce their accuracy and reliability as well. We prepared for them open questions and closed ones to let them express themselves freely while giving the answers on one hand and getting facility organizing their answers by some yes or no answers with a given explanation.

3.4.2. Observation

By using observation method, the researcher is witness of what is going on in a research zone. He sees himself how things are done and what are their effects. This method requires the researcher to attend some classes in order to have a critical eye on what is taking place because the information he gets may be more reliable than the one he is told by the teachers or students.

Classroom observations are crucial because one gets a first hand experience of what happens in the classroom. With classroom observation, the researcher got first hand information by a direct contact with the research population. Wallace (1991:62) supports the above view in the following words:

> *This kind of observation is also extremely valuable since certain aspects of the action will be clear to the observer in a way that they can not be to the teacher. In sport, there is a saying that the spectator sees most of the game.*

3.5. Data Analysis Procedure

After having collected the data from all the sources of information, the next step is to define the techniques that are to be used in analysing and interpreting the

data. The technique chosen is applied in statistics and is called numerical quantification. It is applicable to data which can be evaluated in terms of numbers. We have statements like: a number X out of total Y, that is, a number Z percent said yes for example to a given question.

To sum up, the questionnaire for students and teachers aimed at checking whether or not the prevailing English programme adopted by English teachers fits students' needs and which kind of English is relevant to the teaching in that section. Teachers and students were offered an opportunity to express themselves on the prevailing English programme and the English programme that should be taught in their section.

3.6. Limitations

Any action which is undertaken is susceptible to meet obstacles or different difficulties during its realisation. This is true especially for this work which requires a careful research and analysis. Concerning this work, certain factors affected its idealistic achievement.

As far as questionnaire is concerned, we did not get an opportunity to explain it to the students in some schools. For example, at Technical school of Rohero, ex. E.S.T.A, the prefect of studies refused this saying that it is not possible to get students during class but during break and after class they were busy doing other things and going home. We decided then to give them questionnaires to complete at home and took them the following day. Also, some students jumped some questions on questionnaire.

This is the reason why the sum total of all answers given to each question does not correspond to the number of all students questioned. Furthermore, we made another questionnaire for students of 3rd judicial because there is no English course at this level. This questionnaire was aimed only at knowing if they want

an English course in their courses programme and what kind of English programme they need.

It was observed that most teachers of English were available to help the researcher. In spite of some problems which the researcher encountered, the research has been well conducted.

The next chapter deals with the presentation, analysis and interpretation of the data gathered during the research.

CHAPTER IV

DATA PRESENTATION, ANALYSIS AND FINDINGS

4.0. Introduction

The previous chapter was about the description of the methodology used in collecting and analysing the data. This chapter deals with the presentation and the analysis of what we have discovered during our fieldwork. Moreover, this chapter is also concerned with the analysis of data collected from teachers and students' questionnaires and the classroom observation, as well as the presentation of the findings of this study.

In addition, the aim of this chapter is mainly to find out answers to research questions already stated in the first chapter of our study.

In other words, this chapter deals with data presentation, analysis and interpretation. The objective is to see if the research hypothesis is to be confirmed or not.

4.1. Data Presentation and Analysis

4.1.1. Data from Questionnaires

In this section, we dealt with the presentation, and analysis of the teachers' answers and the students ones on different questions put to them.

4.1.1.1. Data from Teachers' Questionnaire

As said before, we are going to present and analyse, in this point, the answers that the various teachers gave in relation to the questionnaire that was given to them. The data presented in this section were given by seven teachers who teach English in the judicial section of those five schools.

Looking at the question about how students feel during English course, five out of seven said that they don't feel at ease. They explained this by saying that students like more English course, which helps them to know judicial terms in English.

In relation to the question of wanting to know if the English programme fits, students' needs and interests, all teachers affirmed that it does not. The reason are various: five of them said that as their students are in judicial section they need judicial English which comes to complete other courses of law they study and then help them know English judicial words. The two other teachers supported this view by saying that the students need to express themselves in their every day activities as well as in their future jobs and that to this reason the prevailing English programme does not fit their students needs and interests.

Concerning the question of what is their opinion on the English programme now adopted by teacher in judicial section; six out of seven said that it is not appropriate to judicial section because it is not related to judicial domain or to programme of other courses.

But, two out of the six said that this programme should be adopted in first year and that judicial English should be adopted in the second and 3rd years. They supported their view by saying that in the first year, students need more general English full of grammar and some literary texts. The reason is, according to them, that the students from first year are not highly equipped with English enough to deal with English judicial matters. However, the other one acknowledged that only the notion of grammar adopted by English teachers is appropriate to that section.

Concerning the question of knowing that the English programme is appropriate to judicial section, all teachers affirmed that it is not. The reasons are various: four out of seven acknowledge that this programme made of, especially general

English and some literary texts, is very different from what the students study in different courses. They added that the appropriate programme in English is the one which comes to complete other courses they study in that section and make students understand judicial texts. Two out of seven said that generally English is for students from Arts form but not for students from judicial section because it does not complete what the latter study. And then one out of seven stated that the programme is not appropriate to judicial section in such way that it does not hold judicial texts which are related to what students from this section follow in their study.

In relation to the question of what they think the students of judicial section need to learn as English course, six teachers stated that they need to learn judicial English. The reasons are the ones they raised before and added that as the students from scientific section study scientific or technical English, students from judicial section should also study judicial English not only to complete what they study in other courses but also to teach them judicial words in English. One of them kept on saying that they need to learn general English.

On the question of what kind of English among general English and judicial English, they think students should learn, six out of seven chose judicial English while one maintained general English.

Concerning the question of knowing if they will enjoy teaching judicial English once established, six out of seven said yes, and proposed that it should be relevant to other judicial courses. Two of them added that it should be better to organise some seminars for teachers teaching English in judicial section with purpose of explaining them some of judicial texts which can seem to be more difficult to provide their judicial meaning. Only one maintained that he will not enjoy teaching judicial English. The reason he raised is that judicial English is not very easy to teach and that General English is sufficient to each student even

the ones from different technical sections. Ideally, this view is not accurate because the students need a language which is related to what they study in different courses they have and then complete them. In such way they should be able to express themselves in the context of what they follow in their section using an English language.

Concerning the last question of knowing if judicial English will improve students' performance in judicial domain, six out of seven agreed with this view. The reason they put forward is not new. They stated that since judicial English is relevant to other judicial courses they study in French, it is clear and believable that it increases students' knowledge in judicial domain.

4.1.1.2. Data from Students' Questionnaire

Of the one hundred and sixty-six copies of questionnaires given to students, only one hundred and fifty-eight were handed back. Then, we dealt with the analysis of the answers given by one hundred and fifty-eight students.

In relation to the question of knowing if students like English, one hundred and thirty-six out of one hundred and fifty-eight, that is, 86% like it, whereas twenty-two, that is, 13, 9% do not. There, the results above show that more than 85% of students like English. They consider it as interesting.

Looking at students' answers about to know if the English programme now adopted in their class is appropriate to judicial section, one hundred and thirty out of one hundred and fifty-eight, that is, 82,27% said no. Here, these students did not share the same views. Their views were synthesised as follows: It is not related to what we study in other courses. It doesn't contain judicial matters. It is very different from our objective or interest. It cannot help us know judicial words in English and then not be able to express in judicial context using English. It is appropriate to Arts form programme.

Twenty-eight others, that is, 17,7%, on the other hand said that it is appropriate to judicial section as well as in arts section. The reasons are that the general or literary English is easy to understand, it is also used more in communication with others.

Concerning the question of knowing their attitudes towards the prevailing English course programme, different views were given by them and are put into two groups. The first one comprises the views which have negative attitude and the second one comprises the views which have a positive attitude. So, one hundred and sixteen out of one hundred and fifty-eight, that is, 73,41% had a negative attitude. Their views are summarised as follows. It does not respond to our needs and interests, it is even not well elaborated. There is no fixed English programme in judicial section. Every teacher adopts his own programme which even does not respond to our needs and objective. Forty two others out of one hundred and fifty-eight, that is, 26,5% had a positive attitude to the prevailing English programme. Some of them said that it is good because it completes what they learnt in junior level and that so many subjects are similar to those ones for junior level. Others among this group said that it is preferred because they get sufficient marks in English tests.

In relation to the question of knowing if they are satisfied with that programme, one hundred and eighteen out of one hundred and fifty-eight, that is, 74,68% said no. The reasons they set are that it is very different from what they need to know as students from judicial section and that it does not help them be able to understand English judicial words or writings. The other forty out of one hundred and fifty-eight, that is, 25,31% said yes. Some of them justified this by saying that what they study is sufficient as long as they are not going to use English when they will be working in different tribunals. That English will be

only used while talking with others but not while doing their job in tribunals and courts.

Concerning students' answers about whether the English programme fits their needs and interest, one hundred and twenty four out of one hundred and fifty-eight that is, 78,48% said that it does not fit them, whereas the other thirty-four, that is, 21,51% said yes.

The first group maintained the view that the English programme does not help them understand current judicial words. From the above answers, we notice that the respondents who did not agree with the prevailing English programme, that is, the English programme now adopted by different English teachers of judicial section out numbered those who agree with it for more than 70% of respondents view it negatively while less than 30% of respondents view it positively.

In relation to the answers about what kind of English they prefer to learn in their class, ninety-four out of one hundred and fifty eight, that is, 59,49% chose judicial English only. Forty one out of one hundred and fifty-eight, that is, 25,94% chose both general English and judicial one. However, twenty three out of one hundred and fifty-eight, that is, 14,55% preferred General English only. Here, we have three categories of students' justifications about their choices and this leads to a good number of controversies.

However, we are not interested in giving reasons of a hundred of students. Their reasons have been combined into similar ideas or views for each category.
Their choices are seen in the table below:

Table 2: Kinds of English students prefer to learn in their class

Answers	Students	Percentage
General English	23	14,55%
Judicial English	94	59,49%
General+Judicial English	41	25,94%

As seen in the above table, a great number of students, that is, ninety-four or 59,49% chose English related to judicial matter. Three views are given here as an illustration:

- In our section, we need to learn English that will be used in our jobs because while judging, we will deal with cases of complaints of different nationalities speaking especially English since we are in East African community and we will have to give judgements or express ourselves in judicial terms and not in literary terms.
- Judicial English would help us to understand current judicial terms and to be familiar with words used in jurisdictions or tribunals in English and then we need English related to law.
- We want to be able to use English in judicial terms. Forty one, that is 25, 94% preferred both general English and judicial one. They suggested different points among which: General English to learn structures such as word order, making composition, writing letters and grammatical exercises and judicial English to learn English judicial words. Other twenty three or 14, 55% accepted the prevailing English programme only. Different reasons were set here: only Grammatical structure such as: preposition, articles, writing composition, how to make sentences and literary texts.

On this question, Cunnings (1984:59) states: "*A course book that is going to be used by student should contain something that he wants to learn about or involves himself in quite apart from the interest a learner language.*"

Concerning the question of how students find the judicial English proposed in their section, the following table illustrates their views:

Table 3: How students consider the judicial English proposed in their section

Answers	Students	Percentage
Very interesting	93	58,86%
Interesting	41	25,94%
Not interesting	24	15,18%

As seen in the above table, a great number of students, that is ninety three or 58,86% considered judicial English as very interesting. Forty one others, or 25,94% viewed or appreciated judicial English as interesting. However, twenty four others, or 15,18% viewed judicial English as not interesting. From different students' choices, we notice that more than 80% of the students view or appreciate judicial English as important.

In relation to the question about knowing if they can suggest any modification to the prevailing English programme in their section, their views were various. However, we did not give all students' views on this question but we tried to combine them into similar ideas. Ninety-seven out of one hundred and eight, that is 61,39% said that English programme should be replaced by the English related to law. Some views were drawn: It does not hold judicial texts; we need English programme that helps us understand judicial words or terms. It must be the one that completes what we already learn in other courses.

Thirty-five students out of one hundred and fifty eight, that is 22, 15% stated that it should be adapted. Some of their views are that the English programme should be kept but one has to insert some judicial texts. Literary or scientific texts should be left out in favour of judicial texts.
The last twenty-six other students out of one hundred and fifty-five, that is 16, 45% proposed that the English programme should be maintained.

4.1.2. Data from Classroom Observation

In this section, we are going to analyse data collected from classroom observation. From classroom observations, we got information about activities related to the teaching skills, the teaching materials or programme, students' motivation as well as the teaching methods used in judicial section.

In addition, the classroom observations have been organised from the purpose of getting additional information about the English programme taught in judicial section, how it is taught and how students feel about it during its learning. Furthermore, we also got an opportunity to see whether the English course materials are sufficient or fit students' needs and interest in the judicial domain. The observations were made in first and second form where we have been able to observe how the English course is taught in judicial section. According to Cunnings (1984:25), *"Motivation determines the students' level of attention during the class"*.

To sum up, the results from the classroom observation showed us that there is a lack of basic teaching materials.

4.2. Findings

From teachers' and students' questionnaires, we got information about the teachers' and students' views on the prevailing English programme and the English programme to be adopted in judicial section.

As far as the teachers' views on the English programme to be adopted in secondary school judicial section, many teachers chose judicial section by the reason that it is relevant to other judicial or law courses they study in French. The students' views are not very different from the teachers' ones. They agree with judicial programme to be adopted in judicial section.

In short, considering the analysis of the teachers' and students' answers on different questions, we notice that they are not pleased with the English programme now adopted in their section.

Classroom observation, on the other hand, led us to get information about the teaching material now used in judicial section. Furthermore, the classroom observation was organised for the purpose of seeing what is going on in judicial section, the English programme taught in such section, how it is taught and whether the English programme proposed fits students' needs or not.

In fact, classroom observation led us to conclude that there is no English course established for students which allows them improve judicial knowledge. So, we realised that teachers as well as students complain about the lack of judicial English programme in secondary school judicial section.

Then, we come up with the conclusion that the lack of the English programme related to judicial or legal matters is a great barrier to the students' motivation and their mastery of the judicial English vocabulary related to their domain. For this reason, we proposed an English programme related to the judicial domain.

CHAPTER V

GENERAL CONCLUSION AND RECOMMENDATIONS

This chapter seeks to draw conclusion from the whole study and to give recommendations which can be useful for the establishment of new English programme in judicial section and for further research in the same area.

5.1. General Conclusion

This work dealt with the teaching of English in the judicial section of our secondary schools. It focused on one particular aspect of English language teaching (E.L.T) namely the teaching of English for specific purposes (E.S.P) in Burundi judicial section. Our goal was to find out whether the English programme or English course book taught fits this section. In other words, we were motivated to answer the following question: is it important to establish an English programme for judicial section? Afterwards, our intention was to contribute in the elaboration of an English programme for judicial section.

In fact, the importance of English language at international level continues to increase as more and more people are interested in knowing it. The probability is that it is now a world language spoken in all fields of so many countries even in judicial domain. This seems to be the reason why English language has been introduced in Burundi secondary schools. However, the role it plays in one section is different from the one it plays in the other. Concerning judicial section, main courses are of judicial field as their name indicates, unfortunately, students of this section are not taught English programme related to judicial field. This situation has led us to undertake an investigation in order to determine how it is appreciated by teachers and students. For this, questionnaires were addressed to both teachers and students of some selected schools to assess their course book. The questions they were asked to answer

were interrelated and referred to their views on the prevailing English Programme and the new English programme on one side and to determine what they should learn.

Obviously, the answers were numerous as it was for the informants. Indeed, those who shared similar thoughts have been grouped together and we have come to the formation of two groups. The first group comprises teachers and students who expressed a disagreement against the course book. We noticed that more than eighty percent were against the prevailing course book. Also, they have shown why the prevailing English programme does not fit judicial section or it is not related to what students needs or follow in this section. Each teacher adopts his own points to teach. That means that the English programme varies according to the teachers but so many points are related mainly to literary domain.

However, a small number of our informants agreed with the prevailing English programme. For this second category, it is not necessary to change the prevailing English programme and that it should even be maintained. This was seen when some students said that they are satisfied by the English programme adopted by English teachers.

In short, the forth chapter which deals with the assessment of the English programme by focusing on the subject matter intended to show the necessity and importance of the elaboration of an adequate English programme for judicial section. This led us to an idea of proposing an English programme which fits judicial section after having seen that the prevailing one does not.

The texts we proposed were only about judicial subject matters. As stated before, the material has been selected in the belief that there was a need for a new English programme for judicial section of secondary schools. The exercises proposed were varied and related to the text. The other exercises were about the

comprehension of the texts or about some grammatical structure occurring in the text. Another point to remember is that the exercises chosen for this work have to be considered as flexible. That implies that the teacher who will use these texts may elaborate more exercises of his own but the sentences in the exercises should be related to the text or drawn from the text to keep a full judicial context.

Another point to come back to in this conclusion is that this work is the first attempt to change what is going on in the judicial section of Burundi secondary schools. If we speak more of law or judicial matters it is because our aim is to teach English in the suitable way for the judicial section. We have also to remind the reader that through all those texts proposed for students from judicial section, it is the English language which was the central preoccupation of this work.

All in all, we hope that our proposed programme is going to give a light into what the programme for the judicial section should look like. This subject is partially achieved because we hope to continue writing later as it was impossible to put the whole programme of the three years of judicial secondary schools.

5.2. Recommendations

The recommendations given in our study are directed to the course designers, to the government and to the teachers.

- **To the Course Designers**

First of all, course designers should establish the basic teaching materials such as course book for students and teachers in judicial section, organize training English teachers in the different approaches and methods to be used in teaching English in that section. Furthermore, they should put pressure on the Ministry of Education to organize seminars, workshops which will be helpful in leading the

teaching of English up to date. However, the choice and the shape of materials should take into account the learner's needs and interest. This idea is held by Heilbroner (1970:225) when he states that: "*An effective educational programme is that which meets the current and probable future needs of children and youth*".

The researcher learns from this statement the need to choose mainly teaching materials that are suitable to learner's needs and interests.

- **To the Government**

First of all, the government should invest very much in the English language teaching in general and in English for specific purposes (E.S.P) in particular.
To this effect, the government should give financial support to the course designers because conceiving the English course programmes requires money.

The government should also establish at University a faculty of law in which some law courses are in English so that students who finish that faculty should be well equipped with sufficient knowledge in judicial English and then to be able to teach efficiently English related to law in secondary schools.

Indeed, it should organize and sponsor urgently seminars, training, work shop for teachers in judicial section.. We equally recommend that the Ministry of Education make sure that English teachers in judicial section are really qualified and skilled enough to teach English in that section. To this effect, an inspection of English teachers is recommended wherever possible.

- **To Teachers**

First of all, teachers should do their own research as far as the English for specific purposes is concerned. Even if they do not have well-equipped libraries in their respective schools, they can use the main library at the university of

Burundi and the library of Africa Hope university where they can find books related to English used in judicial section.

This will be a good way to increase the students' knowledge of English for specific purposes especially English related to law and then provide a qualitative instruction.

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APPENDICES

Appendix 1: Teachers' Questionnaire

A. Letter to Teachers

Ambroise Bigirimana
University of Burundi
Faculty of Arts and
Social Sciences
Department of English
Language and Literature

Dear Sir,

I am a student at the University of Burundi and for my degree qualification, I am conducting a study on the topic: "Contribution of an English for Specific Purposes (ESP) Programme for the Secondary School Judicial Section."

You are kindly requested to answer the questions from this questionnaire and the information obtained should contribute to improve on the teaching and learning of English in judicial section.

I therefore request you to cooperate and be sincere in answering the questionnaire. The information given is for academic purposes.

Thank you very much.

Ambroise Bigirimana

B. Teachers' Questionnaire

Question one

How do your students feel during English course?

Question two

Does the English programme fit students' needs and interests?

Question three

What is your opinion on the English programme adopted by teachers in judicial section?

Question four

Is the English programme appropriate to judicial section?

Question five

What do you think students of judicial section need to learn as English course?

Question six

Among the general English and judicial English what kind of English do you think students from judicial section should learn?

Question seven

Will you enjoy teaching judicial English once established?

Question eight

Will judicial English improve your students' performance in judicial domain?

Appendix 2: Students' Questionnaire

A. Letter to Students

Ambroise Bigirimana
University of Burundi
Faculty of Arts and
Social Sciences
Department of English
Language and Literature

Dear student,

I am a student at the University of Burundi and for my degree qualification; I am conducting a study on the topic: "Contribution of an English for Specific Purposes (ESP) Programme for the Secondary School Judicial Section."

You are kindly requested to answer the questions from this questionnaire and the information obtained should contribute to improve on the teaching and learning of English in judicial section.

I, therefore, request you to cooperate and be sincere in answering the questionnaire. The information given is for academic purposes.

Thank you.

Ambroise Bigirimana

B. Students' Questionnaire

Question one

Do you like English?

Yes ☐ No ☐

Question two

Is the English programme now adopted in your class appropriate to judicial section?

Yes ☐ No ☐ why?

Question three

What is your attitude towards the English course programme as students of judicial section?

Question four

Are you satisfied with the present English programme?

Question five

Do you think it fits your needs or interests?

Question six

What kind of English do you prefer to learn in your class?

- General English only ☐
- Judicial English only ☐
- Both ☐
- Why?

Question seven

How do you find the judicial English proposed in judicial section?

- Very interesting ☐
- Interesting ☐
- Not interesting ☐

Question eight

Can you suggest any modification to the English course programme in your class?