

## Research Article

## New Design and Test Model of English for Specific Purposes: Interface between International Benchmarks and Legal English

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**Abstract:** This paper seeks to analyze the current problems in the test of ESP (English for Specific Purposes), that is, nearly all tests still follow the traditional pattern of English tests with the focus on basic language skills, which fall far behind the social requirements on professional skills. This paper takes legal English as an example, and seeks to explore the interface between the established international benchmarks of foreign languages and Chinese LEC exam, with the assistance of a variety of testing methods for the renovation of the testing system in China, and tentatively proposes a new testing model of ESP.

**Keywords:** benchmark; legal English; interface; backwash effect; ESP.

### 1. INTRODUCTION

Language testing is an integral part of foreign language teaching, and the necessary means to measure the effects and qualities of foreign language teaching. The positive wash-back effects of language testing can be employed to improve the quality of foreign language teaching. In the curriculum design, testing design is also an indispensable part. Course testing is not only one of the procedures and measures to test the design, objective, content, methodology and quality of the curriculum, but also a way of teaching evaluation and a part of syllabus implementation. In China, English is a compulsory course in college, and has already become the most frequently used language for students. Especially after the center of English education has shifted from elementary education to college, the importance of college English education is more prominent which must satisfy the diversified needs of students. Therefore, it is necessary to develop and design new testing systems to accommodate the new requirements by English for specific purposes (ESP). The reform is imperative against the background that the traditional foreign language testing system cannot meet the demands for professionals in foreign languages in the new era.

### 2. Interface between International Language Benchmarks and Legal English

#### 2.1 International Language Benchmarks

The language benchmark is also called as the scale of language proficiency, which is a criterion, a reference, and a standard to measure the language proficiency of a language user. Language benchmarks represent the latest development in linguistics, applied linguistics, and pedagogics. The influential benchmarks in the world include: ACTFL (the American Council on the Teaching of Foreign Languages) and ELT (Educational Testing Service), the CLB2000 issued in 2000 (Canadian Language Benchmarks 2000) of the National Working Group on Language Benchmarks, the benchmark issued in 1995 by the International Second Language Proficiency Ratings of Australia, which concludes the general proficiency model and the specified purpose mode, the benchmark issued in 2003 by CEYEET (Common English Yardstick for English Education in Taiwan), the European benchmarks including ALTE in 2002 (The Association of Language Testers in Europe) and CEF in 2001.

#### 2.2 The Status Quo of Foreign Language Testing In Chinese Universities

At present, large-scale college English tests annually held in China are comprised of College English Test 4 (CET-4) and 6 (CET-6) and Test for English Majors 4 (TEM-4) and 8 (TEM-8), etc. Especially, College English Test has become a massive English test which has exerted great influence on college language teaching. However, College English

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Test has its innate defects. Firstly, it is designed for the sake of reliability at the expense of validity. The design concept is outdated. The testing is modeled on the United States ETS of old TOEFL and it belongs to the structuralism test mode, which pays more attention on the test of linguistic forms, but neglects the test of practical English skills. Test for English Majors 4 (TEM-4) and 8 (TEM-8) in fact also adopt the design of "Grammar and Skills". Secondly, the test scores are improperly explained. Yang Huizhong and Jin Yan (2011) define the college English tests as the "scale related, that is, norm-referenced testing". The task of such test is to evaluate whether the teaching goal is achieved, to diagnose problems in teaching and to assess the improvement of English level on the part of students, rather than to rank test takers and select talents. In regards to the test of English major courses, it is a common phenomenon that different teachers use different testing criteria, leading to the disorder of teaching goals and difficulty in assessing language proficiency. In the meantime, internationally acknowledged test of Cambridge, IELTS, TOEFL and other tests all adopt Criterion-Referenced Test.

### 2.3 The Call for Reform in Language Tests

Han Baocheng (2002) indicates that the ultimate goal of language teaching is to enable the use of language, and the target for students in such process is to master the language. Language tests are intended to check whether students are able to use a language, and handle relevant language-use situations, finally to assess the actual language proficiency. Considered in another way, language proficiency is presented by language use. The extent to which a test involves students in language use is an indispensable element in judging whether the test could successfully assess the language proficiency. In all, "use" shall be highlighted in new language tests. Besides, the majority of English learners regard English as a tool for learning, working and foreign exchanges, in which intercultural elements are necessarily involved. Therefore, new tests shall emphasize assessing students' ability of using language in trans-cultural communications.

Presently, language proficiency of professionals in Chinese Metropolitan cities could not satisfy the requirements of the time. Namely, they are the requirements of WTO and economic globalization, the requirements of furthering reform and opening-up, the requirements of constructing innovative nation and innovative city, and the requirements of constructing international metropolis. Therefore, a scientific language testing system is of significant theoretical value and practical significance. It is intended to provide reference and counsels for cultivating professionals who are in urgent needs of constructing international metropolis and consequently make contributions to scientific development of national economy and the society. The integration of professional education and foreign language education

is quite necessary for the construction of innovative nation and international metropolis. College English Test enables students to communicate and conduct academic exchanges, bridges theories and practices, satisfies the demands of employers, and consequently trains interdisciplinary and high quality talents. To some extent, it is more than a teaching test. Language test models to assess the performance of foreign language professionals is thus of great importance.

## 3. New models for foreign language tests of language proficiency

### 3.1 Classification of ESP tests

#### 3.1.1 Common Test Forms for English Majors

Nowadays, test forms for English majors in universities mainly adopt achievement test and norm-referenced test. Achievement test aims to examine students' grasp of knowledge directly related to the courses, for the purpose of evaluating the realization of teaching goals among individuals, groups or the whole class. Generally, achievement tests include the formative one as well as the summative one, the most widespread test form for college English majors. Just as Hughes and Porter pointed out in 1983, the test in the summative attainment form can provide more accurate information for individuals as well as groups, and create a more beneficial backwash effects for teaching process. Generally, test items in the summative test, are a combination of subjective and objective ones. Strictly speaking, final tests in each semester belong to summative tests, because these tests, based on the teaching syllabus, aim to check the command of knowledge. As to so-called "norm", Liu Runqing and Han Baocheng held in 2000: "Norm refers to the grades of the same group of people in certain type of tests". Therefore, norm-referenced tests are more concerned with the rank and comparison of the outcomes in the same test, and the further decision of the passing score, based on average scores, the goals and requests of the test. The advantage of this type of test is the fairness for majority students, because the standard of passing is determined by the outcomes of fair competition, however, students' performance in those tests cannot testify their actual performance concerning language. The backwash effect is questionable in actual performance, because if most students fail the exams, the liability always lies in the test paper instead of the goal and quality of teaching. Both these two molds of tests have some problems in reflecting students' actual levels, and may create some negative backwash effects. More importantly, they may not meet the requirements for the cultivation of talents in foreign language majors at present.

#### 3.1.2. THE INTRODUCTION OF MULTIPLE TEST METHODS

##### 3.1.2.1 Formative Achievement Tests

Formative achievement test, namely the formative test, aims to measure students' progress in learning process. The measurement of progress can be

realized in the short-term target. Usually, teachers use the form of a pop quiz in checking students' learning process so as to keep students alert all the time. Therefore, the test paper in formative test is less strict and imbued with its uniqueness, considering teachers' understanding of students and their own stage targets. Formative achievement test, as an efficient testing method, gives rise to the beneficial backwash effects to promote teaching and learning. A good formative test encourages students to realize their learning goals, enables them to gain confidence and propels them to consolidate the knowledge.

The findings of the research in Peking University and Beijing Foreign Studies University show that these two top academies in China combine the summative test and the formative test, aiming to turn students from a passive test taker to an active participant. Therefore, during the teaching process, this module enables teachers to take advantage of various ways to collect, monitor and analyze students' daily performance, strengthen students' knowledge, ability, satisfy their interests and needs, to stimulate the potential of students and rectify the deviation in teaching, diagnose the existing problems among students.

### 3.1.2.2 Criterion-Referenced Tests

Different from norm-referenced test, criterion-referenced test sets the measurement standard before the exam, and decides whether passing based on these standards. The performance of students in criterion-referenced test does not lie in the comparison with others, but the level of satisfaction in certain tasks accomplished by students.

Compared with norm-referenced test, criterion-referenced test has its advantages as follow. First, it is more likely to reflect and describe the language ability based on the actual language criterion; second, it motivates students to realize goals. Students set their goals with the current criterion, thus not worrying about being kicked out of the game compared with others, for its objective is not weeping out how many students; what is more, it is closely related with the teaching objectives. Students' performance could serve as reference to improve curriculum, teaching method and teaching objectives. However, its drawbacks are also clear as follow. First, test range is narrow, only limited to the standard content; then, students cannot get the clear picture of their position in the whole class which especially lacks motivation for top students to progress; what is more, setting the criterion lacks standardization and persuasiveness.

School of Foreign Studies of CUPL (China University of Political Science and Law) is used here as exemplification. To satisfy the needs arising with the global economic integration, improvement of Chinese international competitiveness, and adapt to demands for

economic, cultural and social construction, high-end, practice-oriented and professional interpretation and translation professionals are in great need. and Meanwhile, those professionals are expected to be competent in various translation, especially legal texts in international associations. In regards to training and testing specialized professionals, the school, based on current experience of discipline construction, categorizes specialized courses according to different targets, thus significantly highlights practical competence of foreign language and law, and accurately establishes teaching objectives and refining testing models. Courses of professional knowledge take the form of achievement test; courses of professional competence take the form of criterion-referenced test, i.e. proficiency test. In reference to international language benchmarks like CEFR, CLBA and ILR and reference of LEC (Legal English Certificate), the school establishes professional criteria relevant to the discipline, so as to guide teaching, serve the teaching and exert positive backwash effect. By classifying courses and test models, knowledge accumulation and competence cultivation are both emphasized and accomplished.

### 3.2 Introduction of Legal English Test

As one of the sub-disciplines of ESP, legal English shares the general characteristics of ESP: firstly, the courses are designed for satisfying the special needs of the learners; secondly, they all use the same methodology for teaching, research and curriculum activities according to the professional disciplines they serve; thirdly, the focus of learning lies in the language (grammar, vocabulary and register), skills, discourses and genres; fourthly, the materials are authentic, which are cited from the authentic legal document, judicial document and jurists writings. Legal English is the result of the inter-disciplined study of legal science and English linguistics, so we should consider the research from two aspects: on the one hand, it is necessary to study the use of English in law theory and practice according to the perspective and methods of law and the special needs of legal norms and legal document; on the other hand, it is necessary to apply the knowledge of linguistics, especially basic principles and methods of applied linguistics, to study the English language features of legal science and legal practice.

Foreign language proficiency is a crucial index in the measurement of the quality and professional levels of legal professionals. In particular, with the trend of economic globalization and in-depth development of Chinese opening-up policy, legal professionals will encounter new and severe challenges. However, a scientific testing mode based on the peculiarities of legal English, which is meant to measure the professional English proficiency of legal professionals has not been established. The birth of Legal English Certificate (LEC), a unified national exam, not only bridges the gap in related fields, but

certificates the professional English levels of legal professionals. Therefore, the combination of LEC, legal courses and the unity of test, legal English practice and teaching, could truly facilitate the cultivation of foreign language professionals.

### 3.3 Introduction of Various Test Modes

Professional foreign language proficiency test could employ both quantitative assessment and qualitative assessment, thus eliminating the single form of traditional paper assessment, and establish a brand-new assessment complex, including paper assessment, self-assessment, peer-assessment and teacher-assessment. To render the testing system more active and alive, qualitative assessment could be widely used, such as seminar, on-site remark; peer assessment, simulated court debate and case studies, and its proportion in the final score should increase.

### 3.4 Establishment of Employer Feedback Mechanism

The Establishment of information exchange system is in urgent need to foster and strengthen the ties among students, society and employers, which regularly collects the related information from home and abroad, and introduces the more advanced training systems. According to the feedback from society and employers, the test criteria could be continuously improved to strengthen both academic capacity and professional ability, thus both teaching levels and professional ability of students will be consequently enhanced.

## 4. CONCLUSION

Internationally recognized language benchmarks afford us a salutary reference for the design of professional foreign language test. It is compulsory to update our thinking methods, principal framework and teaching mode in order to construct and improve the reliability and validity of proficiency test. Only the open and dynamic test system can make a more positive and appropriate reaction to the needs of modern society. Therefore, the introduction of various tests and assessment modes will largely promote the training and teaching of professional capacity and produce more positive wash-back effects.

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