

Language Negative Transfer in Legal English Teaching and Its Coping Strategies

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Abstract: Amid economic globalization, Legal English is vital for international legal practice, yet language negative transfer hinders its teaching effectiveness. This study explores negative transfer's manifestations in Legal English teaching at lexical, grammatical, and pragmatic levels, such as term connotation misalignment, syntactic confusion, and cultural thinking conflicts. It analyzes causes including linguistic differences between Chinese and Legal English, civil law thinking inertia, inadequate teaching, and students' insufficient proficiency. Corresponding strategies are proposed: constructing a contrast-analysis teaching system, implementing targeted error correction, creating immersive scenario-based training environments, and strengthening cognitive-metastrategic ability cultivation. This research enriches relevant theoretical research and provides practical guidance for improving Legal English teaching quality and cultivating international legal talents.

Keywords: legal English teaching; language negative transfer; coping strategies

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1. Introduction

In the era of economic globalization and cross - border legal exchanges, Legal English is a fundamental communication tool in international legal practice. Accurate application of Legal English is a core competency for legal professionals. Thus, the quality of Legal English teaching is crucial for cultivating versatile legal talents. However, language negative transfer, an inevitable phenomenon in second - language acquisition, hinders the effectiveness of Legal English teaching. "...negative transfer involves divergences from norms in the target language..."^[1b] That is to say, the learners are unconsciously influenced by their mother tongue (Chinese in the case of this article) in terms of language system, thinking patterns, and legal cultural backgrounds when acquiring Legal English.

To explore the manifestations of language negative transfer in Legal English teaching, analyzing its causes from linguistic, cognitive, and teaching perspectives, and constructing coping strategies have both theoretical and practical value. This study aims to bridge the gap between theory and practice by integrating Contrastive Analysis theory with Legal English's characteristics to solve the problem of language negative transfer.

2. Typical Manifestations of Language Negative Transfer in Legal English Teaching

2.1. Lexical Level: Misaligned Term Connotations and Collocational Anomalies

Legal English vocabulary is highly professional, with precise semantics and stable collocations, differing significantly from ordinary English and Chinese legal vocabulary. “Negative transfer occurs when the learning task of the two languages is relative but different, the learner of foreign language use the expression and understanding way of mother tongue to replace the way of foreign language^[2].” Mother-tongue vocabulary habit negative transfer causes prominent errors, affecting legal expression accuracy. Legal terms have fixed semantic connotations in specific legal contexts and can’t be equated with Chinese vocabulary literal meanings. Due to mother - tongue thinking, students interpret Legal English terms through Chinese semantics, leading to understanding deviations. “One of the assumptions of the Contrastive Analysis hypothesis was that learners with different L1s would learn a L2 in different ways, as a result of negative transfer imposing different kinds of difficulty^[3].” For example, “reasonable doubt” in criminal procedure means a rational, objective, and sufficient doubt to shake jury conviction confidence. But students equate it with Chinese, ignoring its common - law standards and misunderstanding criminal case burden of proof. Another example is “consideration,” a core contract - formation element in common law, referring to mutual benefit and detriment between parties. However, students literally translate it, losing its legal connotation and potentially misjudging contract validity in practice.

On the other hand, collocational anomalies are widespread. Collocation is a fixed word combination in a language, and Legal English has its own collocational norms. Influenced by Chinese collocational habits, students often mechanically transplant Chinese word combinations into Legal English, leading to non - professional or incorrect expressions. For example, “the two sides of the contract” in Chinese is often wrongly translated by students, while the standard Legal English is “both parties to the contract”. Also, “bear legal liability” is incorrect, and “assume legal liability” is the more standardized collocation in Legal English as “assume” fits legal contexts better.

Renowned second - language acquisition theorist Rod Ellis says Contrastive Analysis can predict language - learning errors and help teaching focus on problem areas by comparing learners’ mother tongue and the target language. This theory is suitable for Legal English vocabulary teaching. So, in Legal English teaching, targeted contrastive analysis between Chinese and Legal English vocabulary is essential. Teachers should sort out semantic gaps and collocational differences and integrate real cases and scenarios into teaching. For instance, when teaching “reasonable doubt”, introduce specific jury - trial cases; when explaining “consideration”, use typical contract clauses to analyze its reflection in parties’ obligations.

2.2. Grammatical Level: Syntactic Structure Confusion and Tense Logic Deficiency

Grammar is the framework of language expression, and Chinese and English have fundamental differences in grammatical systems. Chinese language lacks the tense feature, which is why this feature is not available for transfer into the L2 learners, English. Compared to Japanese and German learners, Mandarin learners of L2 English have more problems producing past tense morphemes (Hawkins & Liszka, 2003)^[4]Legal English has more rigorous and complex grammatical requirements as it needs to convey legal rights, obligations, and responsibilities accurately. The negative transfer of mother - tongue grammatical habits causes errors in Legal English expression at syntactic and tense levels, affecting legal meaning’s clarity and rigor.

At the syntactic structure level, English legal provisions are characterized by a distinct feature of “post-modification of the central word,” and they often construct complex long sentences by embedding relative clauses, adverbial clauses, etc. For instance, in the sentence, “The Seller shall deliver the goods that comply with the quality standards specified in Clause 3 within 30 days after the receipt of the advance payment”. Although such sentence structures increase complexity, they ensure the logical rigor and semantic ambiguity-free nature of legal expressions through explicit grammatical structures (e.g., relative pronouns, conjunctions)—a reflection of the “precision first” principle in legal texts.

In sharp contrast, Chinese legal expressions tend to adopt the strategies of “preposing time adverbials” and “short sentence segmentation.” The logical relationships between sentences are mostly conveyed implicitly through context rather than via explicit grammatical markers. For example, the Chinese equivalent of the aforementioned English long sentence is usually phrased as (See Appendix 1.1) which means “The Seller shall deliver the goods that meet the quality

standards specified in Clause 3 within 30 days of receiving the advance payment". Through short sentence segmentation and word order adjustment, this Chinese version not only retains the core information but also conforms to the "paratactic" expression habit of the Chinese language (where logical connections are implied rather than explicitly stated).

Precisely, the systematic disparity between English and Chinese grammatical structures acts as a crucial impetus for language transfer at the syntactic level during Legal English learning. This holds true for both English and Chinese. Grammatically, Chinese sentences are classified into simple sentences and compound sentences. The distinction between them is as follows: A compound sentence is composed of two or more simple sentences, whereas a simple sentence is constituted by words and phrases^[5].

Specifically, learners tend to make two types of typical errors in writing or translation practices: influenced by the habit of using short sentences in Chinese, they improperly split English legal long sentences, undermining the grammatical integrity and logical coherence of the original sentences; due to neglecting the differences in grammatical cohesion between English and Chinese, they commit sentence structure confusion errors such as "comma splice error". This phenomenon further confirms the view that, "there is considerable cross-linguistic variation in relative clause structures, and such variation may occasion language transfer^[1]." In terms of tense usage, Chinese verbs don't change in tense, voice, or aspect; time is expressed through adverbials or auxiliary words. However, Legal English values the expressive function of tenses as different tenses relate to the validity, time scope, and performance sequence of legal rights and obligations. The negative transfer of mother - tongue habits makes students ignore correct tense use in Legal English, leading to logical confusion.

2.3. Pragmatic Level: Cultural Thinking Conflicts and Deviation from Document Norms

Pragmatics studies language use in specific contexts. Legal language, tied to legal culture, shows significant pragmatic norm differences between Chinese and Western legal cultures. Mother - tongue pragmatic habit negative transfer makes students struggle to adapt to Legal English in cross - cultural communication, causing barriers or inappropriate expressions.

On one hand, cultural thinking conflicts are reflected in language style dislocation. Chinese legal culture, based on "harmonious negotiation," makes students use euphemistic styles in Legal English, like overusing "maybe" in Anglo - American court debates, weakening legal assertion certainty. In Chinese legal negotiations, some students imitate English direct styles bluntly, triggering resistance. This "inappropriate language style in the wrong context" results from mother - tongue legal cultural thinking negative transfer.

On the other hand, there are deviations from legal document normative formats. Chinese legal documents have flexible formats, while English ones have strict norms related to clarity and professionalism. Influenced by Chinese habits, students make format errors in English legal document writing. For example, they use chaotic numbering, abbreviate terms arbitrarily, and omit necessary modules. These deviations affect document professionalism and may lead to misunderstandings in disputes.

3. Analysis of the Causes of Language Negative Transfer in Legal English

The occurrence of language negative transfer in Legal English teaching results from multiple factors like linguistic differences, thinking inertia, and teaching deviations. Analyzing these causes is key for effective strategies.

3.1. Inherent Linguistic Differences Between Chinese and Legal English

English and Chinese belong to different language families, causing disparities in vocabulary, syntax, and expression logic. Legal English has many loanwords from French and Latin with no direct Chinese equivalents, leading students to literal translation and semantic deviations. English is "hypotactic" while Chinese is "paratactic," and students' use of Chinese paratactic thinking in English legal sentences causes structural and logical issues.

3.2. Inertial Thinking Formed by the Civil Law System's "Codification - Centered" Approach

Legal language is a carrier of legal thinking. Chinese legal education is based on the civil - law "codification - centered" approach with deductive reasoning, while Legal English is related to the common - law "case - centered" system with inductive reasoning. Students influenced by civil - law thinking struggle to understand Legal English's logical connotations and often mechanically apply mother - tongue thinking, as seen in analyzing common - law contract disputes.

3.3. Inadequate Contrastive Teaching in Practical Instruction

Teaching practice affects negative transfer. Some teachers lack systematic knowledge of second - language acquisition theories, don't compare Chinese and Legal English differences, and use simplistic teaching methods like template - based explanations. Also, error correction is not targeted, making students repeat mistakes and consolidate negative transfer.

3.4. Students' Insufficient Mastery of Specialized Vocabulary and Lack of Language Sense

Vocabulary is the foundation of language learning, but many students have insufficient Legal English specialized vocabulary. They rely on mother - tongue vocabulary, leading to negative transfer. Moreover, due to a lack of an authentic Legal English environment, students have a poor sense of Legal English and transfer mother - tongue language sense, causing errors.

4. Core Strategies for Addressing Negative Transfer in Legal English Teaching

To effectively mitigate the interference of language negative transfer in Legal English teaching, it is necessary to construct a comprehensive and systematic coping strategy system based on an analysis of its manifestations and causes. This system should integrate teaching content, error correction mechanisms, pragmatic training environment and learning ability cultivation to achieve a holistic solution to the problem of negative transfer.

4.1. Constructing a "Contrast-Analysis" Teaching Content System

The core of addressing negative transfer lies in helping students establish a clear awareness of the differences between Chinese and Legal English. Therefore, teachers should integrate contrastive analysis throughout the entire teaching process and construct a "contrastive analysis-based" teaching content system centered on a "knowledge base of differences." In vocabulary teaching, the "three-dimensional term contrast method" should be adopted to help students grasp the differences between Legal English terms and Chinese expressions. For example, compare the connotations of "defendant" in different legal systems using tables. Secondly, collocational contrast: sort out the fixed collocations of Legal English terms and compare them with Chinese collocational habits. Another example concerns collocational contras that summarize the collocational differences of modal verbs such as "shall," "may," and "must" in Legal English through example sentences.

In grammar teaching, teacher shall focus on "legal long sentence deconstruction training" to help students adapt to the syntactic logic of Legal English. Teachers should select typical legal long sentences and guide students through the deconstruction process: first, identify the central word to clarify the core meaning; second, split and analyze the modifying components to understand their logical relationships with the central word; finally, restore the overall logical structure and compare it with Chinese short sentence expression habits.

In cultural and pragmatic teaching, strengthen the contrast between Chinese and Western legal cultures and integrate cultural background knowledge into language teaching. For example, in court debate teaching, introduce the adversarial system of the common law and the inquisitorial system of the civil law, and compare the differences in language style requirements for lawyers in both systems. Common law court debates require direct, firm, and persuasive language, while civil law court trials emphasize rigorous and accurate expression. Through case analysis and scenario simulation, help students understand the connection between legal culture and language style, and avoid the negative transfer of mother tongue cultural thinking.

4.2. Implementing a “Targeted-Hierarchical” Error Correction Mechanism

Errors are inherent in the process of second language acquisition, and the scientific remediation of negative transfer-induced errors is pivotal to mitigating the adverse effects of this phenomenon. To enhance the efficacy of error correction, educators should establish a “targeted and hierarchical” error correction mechanism aligned with the disciplinary characteristics of Legal English.

To Start with, it is essential to categorize and grade students’ negative transfer errors. Based on the degree of impact on the accuracy of legal communication, such errors can be stratified into three tiers: “fatal errors,” “influential errors,” and “minor errors.” Fatal errors refer to deviations that distort the core legal meaning and may give rise to substantial misinterpretations or legal risks, such as conflating “negligence” with “carelessness” in tort law contexts or mistranslating “void contract” as “invalid agreement” (which obscures the legal distinction between “void” and “voidable” in contract law). Influential errors undermine the professionalism and fluency of legal expression without altering the fundamental legal intent, typified by syntactic dislocations in complex legal provisions (e.g., improper segmentation of post-modified noun phrases). Minor errors, including spelling inconsistencies and punctuation inaccuracies, exert minimal impact on the overall semantic integrity of the text.

Additionally, the establishment of an “error case repository” is crucial for the systematic management of prevalent negative transfer errors. Each entry in the repository should document typical error instances, their root causes (e.g., L1-L2 semantic gaps, syntactic transfer), and corresponding normative expressions. Regular targeted training should be conducted based on the repository—for example, designing collocational drills for vocabulary errors (e.g., distinguishing between “assume liability” and “bear liability”) and organizing legal long-sentence deconstruction exercises for syntactic errors—thereby assisting students in eliminating the interference of negative transfer and internalizing standardized Legal English usage conventions.

4.3. Creating an “Immersive-Scenario-Based” Pragmatic Training Environment

The fundamental way to overcome pragmatic negative transfer is to provide students with sufficient opportunities to use Legal English in authentic contexts, allowing them to intuitively experience and master the pragmatic norms of Legal English. Therefore, it is necessary to create an “immersive-scenario-based” pragmatic training environment, integrating Legal English learning with real legal practice scenarios.

In the first place, to carry out the “bilateral court debate” simulations is based on legal cultural differences. Since mastering L1 may influence the learning process of reading and writing in L2, cross-linguistic skill transfer from the second language to the first is also possible^[6]. Seting up two contrasting scenarios: “common law prosecution and defense debate” and “civil law court trial statement.” In the common law scenario, to require students is to adopt a direct, firm, and logical language style, using precise legal terms and rigorous reasoning to support their arguments, avoiding euphemistic expressions that weaken the persuasiveness of assertions. In the civil law scenario, to guide students in using a rigorous, accurate, and moderate language style, will facilate students to focus on the interpretation and application of legal provisions. Through role-playing and scenario switching, students can deeply experience the differences in language style requirements of different legal systems, and flexibly adjust their expression methods according to the scenario.

Besides, invite practicing lawyers specializing in foreign - related legal affairs to give lectures, becaues it allows L1 skills to function in L2 literacy acquisition more easily and with less adjustment and L2 exposure^[7]. Lawyers can share practical experience, such as common language pitfalls in cross - border legal communication, to help students understand practical application scenarios, enhance negative - transfer risk awareness, and improve practical application ability.

4.4. Strengthening the Cultivation of “Cognitive-Metastrategic” Learning Abilities

To commerce with, introduce the “difference annotation method” to help students establish “difference awareness.” Guide students to mark knowledge points prone to negative transfer during learning, such as vocabulary, grammar, pragmatics, and cultural differences. For instance, when learning “offer,” students can note that in Legal English, it’s an irrevocable

invitation to contract, different from the Chinese term (Appendix 1.2), taking effect once accepted and generally non-revocable. When learning legal long-sentence syntax, students can mark the difference between English post-modification and Chinese pre-modification. Through this method, students can strengthen memory of differences and avoid mother-tongue interference.

Subsequently, use the “IRAC thinking framework” to help students adapt to the common-law thinking mode. IRAC stands for Issue, Rule, Application, and Conclusion, a classic common-law reasoning framework. Guide students to use this framework in common-law case analysis: first, clarify the case’s core dispute (Issue); second, find relevant legal rules and precedents (Rule); third, apply legal rules to case facts for analysis (Application); finally, draw a legal conclusion (Conclusion). Through repeated training, students can gradually break away from civil-law deductive thinking, adapt to common-law inductive thinking, and reduce negative transfer from thinking differences.

Furthermore, encourage “bilingual parallel reading” to enhance students’ sensitivity to legal language conversion. This is aligned with the idea that irrespective of the language in use, “Rather concepts learnt in one language can readily transfer into the other language^[8].” Guide students to read English legal documents with authoritative Chinese translations in parallel, like the U.S. Uniform Commercial Code (UCC) and its Chinese version, and the Convention on the International Sale of Goods (CISG) and its Chinese translation. Just as Stephen Krashen (1999)^[9] provides evidence to show that bilingual education is not the cause of dropping-out in United States schools—but it may be the cure. While reading, students should compare differences in vocabulary, syntax, and expression logic between the English original and Chinese translation, analyze translation-choice reasons, and summarize legal-language conversion rules. For example, compare “shall be liable for damages” and its Chinese translation (Appendix 1.3), analyze collocational differences between “liable” and (Appendix 1.4), and deepen understanding of professional expressions. Through bilingual parallel reading, students can intuitively grasp differences between Chinese and Legal English and improve their accurate conversion ability between the two languages.

5. Conclusion and Outlook

Language negative transfer is an inevitable challenge in Legal English teaching, rooted in differences between Chinese and Legal English, learners’ inertial thinking, and teaching practice limitations. It has diverse manifestations at multiple levels and seriously affects Legal English expression. However, it’s not insurmountable. By analyzing manifestations, exploring causes from linguistic, cognitive, and teaching perspectives, and constructing a four-in-one coping strategy system, we can reduce its interference and improve teaching quality.

This study integrates second language acquisition theories with Legal English’s professional characteristics, proposes actionable teaching strategies, enriches theoretical research, and guides front-line teachers. But it has limitations, mainly relying on theoretical analysis and teaching experience, lacking empirical data. In future research, empirical methods can be used to select different universities and students, track the implementation effects of coping strategies, and verify their effectiveness and applicability. Also, with AI development, a “Legal English negative transfer early warning system” based on natural language processing and machine learning can be explored to realize intelligent and individualized teaching.

In the context of legal practice globalization, the demand for international legal talents with Legal English skills is rising. Legal English teaching should focus on language negative transfer, optimize strategies, innovate methods, and cultivate high-quality legal professionals. Only in this way can it serve the legal profession and contribute to China’s integration into the global legal system.

Appendix

- 1.1 “卖方应在收到预付款后 30 日内，交付符合第 3 条规定质量标准的货物。”
- 1.2 ‘报价，’

- 1.3 “应承担损害赔偿责任 ,”
- 1.4 “承担责任 ,”

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