

# E-mail-“inspired” changes in non-native legal discourse

Isabel Berman

The Interdisciplinary Center – Herzliya (Israel)

## Abstract

At IDC, students use electronic resources for research and online interactive communication with instructors, usually in English. This paper discusses preliminary research into the overlap between the informality of e-mail communication between students and instructors and the growing use (or misuse) of e-mail-type informal discourse in formal written legal assignments. Four students were given a hypothetical legal case and requested to write: (a) a formal letter that would be sent by e-mail to one of the parties in the case, and (b) an executive memo e-mail to the senior partner in one of the law firms representing the parties. No instruction was given as to constructing a formal legal letter or an executive memo. In the resulting e-mail communications, many examples of typical informal e-mail shorthand were used. The students were interviewed and were able to locate and change most of the errors in their letters. Several students expressed the belief that this type of “shorthand” is or should be acceptable when the formal message is an e-mail communication.

## “xs cmpnsth fnds wl b nvstd 4 srvvng fmly mmbrs”

This sentence appeared in a “**formal**” letter in English<sup>1</sup> written by a first-year law student at IDC-Herzliya who was exempt from the course called “Communication Skills in English for Students of Law”. The letter was based on a hypothetical case involving liability and responsibility in an automobile accident resulting in numerous fatalities. This sentence was the most striking example of the impact and effect of e-mail and text-messaging on accurate student writing in English within a proscribed format.

In a chapter entitled “Technology and Writing” Warschauer (2004) states that “information and communications technologies are having a profound affect [*sic*] on all aspects of language use, especially in written communication. The purposes of writing, the genres of written communication, and the nature of audience and author are all changing rapidly with the diffusion of CMC, computer-mediated communication, both for first and

---

<sup>1</sup> All law students at the Interdisciplinary Center-Herzliya are required to write formal letters and executive memos in English as well as seminar papers in at least three elective courses offered in English.

second language users.” In an earlier article, in *AILA Review* (2001), Warschauer states that “although millennial predictions of a new cyber world may be exaggerated, it is true to say that new online media are helping to transform language and literacy...” In both articles, Warschauer discusses the consequences of e-mail and other computer-mediated communication for language teaching.

Language variation in online communication is analyzed by Bergs (2006) and described for students’ writing in a web-enhanced educational environment by Bensoussan et al. (2006).

In *Language and the Internet* (2001), David Crystal discusses the language practices visibly mediated by the Internet. In his preface to the volume, he mentions that he has often been asked about what effect the Internet has had on language, a question for which he did not have a clear answer. This question, however, prompted him to explore a variety of what he termed “Internet situations” and the broader implications of the complex relations governing language-based communication and the Internet.

Crystal’s chapter on e-mail describes its history, including its fixed discourse elements such as the header structure and other conventions borrowed from earlier text media. Despite what he calls “its unglamorous everyday quality,” Crystal states that e-mail emphasizes “clarity of the message on the screen” (Crystal 2001: 110) and has introduced the immensely readable use of numbered and bulleted lists, a feature not present in earlier written communication. He praises e-mail as a tool for dialogue which can include a string of messages, unlike the classic memo. In this sense, a new type of document is created as each interaction builds upon previous messages. Crystal predicts that over time, e-mail will include a “much wider stylistic range than it does at present, as the medium is adapted to suit a broader range of communicative purposes” (ibid.: 107).

Does this “much wider stylistic range,” probably outside the norms of traditional grammatical, lexical and orthographic conventions, present a problem – or an opportunity for language educators? Both Crystal and Warschauer believe that e-mail is not a genre to be feared as linguistically irresponsible but rather as one which offers a further domain for communication. Both Crystal and Warschauer disagree with the language purists and traditionalists who believe in total adherence to proscribed and historic rules. They argue that e-mail has extended the stylistic range of language in interesting and innovative ways.

As Crystal suggests, the Internet (and particularly e-mail) has unquestionably expanded the range and diversity of written communication for the average user. By extension, e-mail (like fax) is no longer an optional or “stopgap” communicative genre. Nor is it a proxy or preliminary step to communication in a face-to-face setting or to a more formal writing context. More and more frequently, everyday communication at work, school, and interpersonal domains is Internet-mediated. Understanding and acquiring new genres of communication (including new styles in lexicon and register) are critical dimensions of the process of becoming a competent communicator today.

In reference to this latter point, Crystal acknowledges that current Internet communication can be “both dysfunctionally and advantageously incoherent” (ibid.: 169). However, language is constantly adapted to meet new needs, new situations, and new modalities. This is the basis of language evolution. As more and more new digital communication tools become available, new genres of communicative discourse will develop that, at this moment, are difficult to predict or even to imagine.

Crystal claims that Internet communication “holds a mirror up to our linguistic nature, but it is a mirror that both distorts and enhances, providing new constraints as well as opportunities” (ibid.: 198). In assessing this situation, Crystal suggests that this is because the language of the Web is under no central control and does not respect national

boundaries. Thus, ordinary “people have more power to influence the language of the Web than in any other medium” (ibid.: 208).

Crystal also points out that word processing and e-mail users “must surely influence our perceptions about the nature of our language” through the prescriptivist grammar and spell-checkers they include (ibid.: 212). Though he accepts that they are certainly useful as indicators of typographical errors or inadvertent grammar errors, Crystal is of the opinion that a large number of valuable stylistic distinctions are endangered by repeated encounters with the software programmer's prescriptive usage preferences. Online dictionaries and grammars are likely to influence usage much more than their traditional counterparts ever did. It would be worthwhile to see more research-based conclusions emerge, in which more attention is given to the sociolinguistic and stylistic complexity which exist in a language. But at present “the recommendations are arbitrary, oversimplified, and depressingly purist in spirit” (ibid.: 212). Crystal concludes that “[grammar and spelling] software designers underestimate the amount of variation there is in the orthographic system, the pervasive nature of language change, and the influence context has in deciding whether an orthographic feature is obligatory or optional” (ibid.: 214). In the process of editing an opinion of a U.S. Supreme Court justice for an internal examination, I found Microsoft's spelling and grammar check unable to cope with the sophisticated if heavy-handed language of jurisprudence. Students, on the other hand, had no such difficulty.

Both Crystal and Warschauer argue against grammatical and stylistic purism; they challenge language educators to be both balanced and flexible in their assessment of communication that occurs within the digital environment. For language educators, the Internet thus provokes the following tension – to be accepting of creative innovation while also corrective of language use that may fall too far outside of expert speaker norms.

Crystal’s book, written in 2001, does not address what can only be described as the “Instant Messenger phenomenon.” Instant Messenger (IM) has become the leading synchronous computer-mediated communication tool for undergraduate populations. Biesenbach-Lucas (2005), in fact, refers to today’s college campuses as “wired”, with students constantly “texting” each other and using electronic channels, most notably e-mail, as a means to consult with their professors. And it is these two genres that both enhance and inhibit student writing.

At IDC-Herzliya, all syllabi, assignments and – wherever possible – lectures are posted on the website. Although classes and seminars meet regularly, students generally submit assignments and papers by e-mail. Feedback, criticism and suggestions are sent by e-mail, students are encouraged to discuss all aspects of their work with teachers and teaching assistants via e-mail. In first-year English as a Foreign Language (EFL) classes in the law program, attendance and participation are required; however, a number of students are exempt from these classes on the basis of a three-hour examination: reading comprehension of professional legal material and writing proficiency via a formal letter and an executive memo based on the readings. In an experimental program, many of those [exempt] students were offered the opportunity to tutor weaker students, submit written assignments as well as a research project, and to receive a grade equaling 3 credit hours in their grade point average.

IDC-Herzliya’s “wired” students (see Biesenbach-Lucas 2005) are constantly “texting” friends, family and each other. Since they are charged by their SMS servers according to both the number of calls made and the number of letters used, the students have perfected the “art” of shorthand-texting. This is a particularly interesting phenomenon in relation to native speakers of Hebrew. Once Hebrew readers have mastered the basic ABC (aleph, bet, gimels - that is, the consonants), they can read any text. Most Hebrew texts for

adult readers eliminate almost all vowels from the text books and which appear in basic readers as diacritical marks rather than as actual letters. Israelis who send text messages in English, French, Spanish, etc. have a tendency to remove the same elements; their messages consist almost exclusively of consonants. Surprisingly (or not), most people are able to comprehend the message even without the vowels, particularly if there is sufficient context. Looking back at the message at the start of this paper (“xs cmpnsth fnds wl b nvstd 4 srvvng fmly mmbrs”), you will find that it is quite intelligible. (“Excess compensation funds will be invested for surviving family members.”) Some words are more difficult to comprehend than others; for example, “fnds” could be “finds” or “funds” but, given the context, it is obviously “funds”. “xs” can be incomprehensible the first time one encounters it – unless one is an *aficionado* of the rock group INXS. Nevertheless, most people are able to understand the message despite what purists would call its appalling appearance.

The main problem arises for most educators and professional lawyers when there is an overlap between what they consider language errors, i.e. the informal language (the shorthand of SMS text-messaging) and formal structures (legal documents: letters, contracts, depositions, wills, etc.). Furthermore, there is serious concern about the fossilization of these errors, particularly when legal communication moves more and more into the use of e-mail and other Internet genres. In an impromptu poll of law professors at an IDC-Herzliya staff meeting, 9 out of 13 professors and senior lecturers stated that they accept informal e-mail messages from students that contain SMS shorthand. They also claimed, however, that they frequently see similar elements of SMS text-messaging shorthand in seminar papers and examinations – both in English and in Hebrew. When questioned about the acceptability of these elements in the more formal situations, all of the staff members criticized these shorthand tools as “unacceptable”. When further questioned about the extension of these SMS tools to formal documents in law (even those delivered through the electronic media),

the professors and lecturers denounced the shortcuts as “totally and unconditionally unacceptable!” They also expressed deep concern about the perpetuation of these errors in formal structures (i.e. linguistic fossilization) and, as they saw it, the dangers of “the total deterioration of the historic and prestigious formal language of the law.”

To assess the amount of overlap between the informal shorthand of SMS text-messaging and the formal writing required of law students, a small research study was conducted. In order to avoid contamination, only first-year law students who had been exempted from EFL classes and were acting as tutors for weak students, were chosen. A questionnaire (Appendix A) was distributed to all 20 tutors. Only those who could be identified as constant users of SMS text-messaging shorthand (4 students with scores of 50+ on the questionnaire) were used in the study. The students were given a text which contained a hypothetical case. They were asked to write two responses (a formal letter of explanation about the judgment to one of the parties involved in the case, and an executive memo to the senior partner in the law firm representing one of the parties in the case). Both of these responses were to be sent via e-mail to the individuals concerned – and to me. The students were given no instruction about letter-writing or executive memo conventions.

One student attempted highly formal traditional writing – incorporating rather pompous, pseudo-legal language. The others incorporated varying amounts of text-messaging shorthand. In all cases, the e-mail memo to the partner (albeit the senior partner) was far more formal than the letter of explanation to the party in the case. After their letters and memos were reviewed, the students were interviewed individually about the skills and conventions revealed in their writing. The language and style of their writing and the amount (if any) of text-messaging shorthand were discussed as well as the appropriateness of such usage. Only one student (the “formalist”) objected to the use of text-messaging shorthand, claiming that “a formal letter is a formal letter is a formal letter – whether it is

delivered by e-mail or by carrier pigeon!” The other three students stated that they believed that much of the shorthand used today should be acceptable given the amount of current Internet communication. Two students raised the issue that so many e-mails in English today are the products of non-native speakers of English (including themselves) who – they believed – should not be held to the same standards as educated native speakers of English.

When confronted with the excessive number of errors in her submissions, the student who wrote the letter containing the sentence quoted at the beginning of this paper (“xs cmpnsth fnds wl b nvstd 4 srvvng fmly mmbrrs”) admitted that she knew this was not “traditional” English spelling, but she added that since the required letter and memo were to be submitted via e-mail, she **assumed** that she could use e-mail and text-messaging “shorthand” and was surprised to learn that such usage is unacceptable in legal writing. She was clearly under the impression that most people today can read this type of message, that it is the “language of the future” – and, furthermore, she claimed, it was cheaper!

Who is correct? Who needs to change and be more accepting of the impact of modern technological advances which can directly affect the conventions and traditions of grammar and spelling? Should students conform to the rules and regulations of traditional English writing? Personally I think a more flexible perspective is required. We do not yet know the limits of technology and the acceptance (or non-acceptance) of Internet communication in professional areas. We also do not know the finite extension of English as the major language of international and intra-national professional communication. Much more research is required – research into both the use of e-mail and other Internet communication and the acceptance of concomitant changes in language conventions resulting from increased e-mail and other Internet communications. English is a “living language” and it may evolve in the future into genres and conventions that are totally implausible today. Neither spelling nor grammar were standardized in Chaucer’s time (the

word “day” is spelled “dey, daye, deie, dai” among others) nor were they standardized in Shakespeare’s later period (witness the varied spelling of his own name in different folios). Must the future use of English be locked into our contemporary conventions? Only time will tell.

**References**

- Bensoussan, Marscha, Eleanor Avinor, Bonnie Ben-Israel & Olga Bogdanov (2006). CMC among multilingual students of English for academic purposes: linguistic and sociolinguistic communicative factors in online written responses. *Language@Internet* SV1-2. urn:nbn:de:0009-7-3709 (<http://www.languageatinternet.de>).
- Bergs, Alexander (2006). Analyzing online communication from a social network point of view: questions, problems, perspectives. *Language@Internet* SV1-3. urn:nbn:de:0009-7-3712 (<http://www.languageatinternet.de>).
- Biesenbach-Lucas, Sigrun (2005). Communication topics and strategies in e-mail consultation: comparison between American and international university students. *Language Learning & Technology* 9(2): 24-46.
- Crystal, David (2001). *Language and the Internet*. Cambridge: CUP.
- Warschauer, Mark (2001). Millennialism and media: language, literacy, and technology in the 21<sup>st</sup> century. *AILA Review* 14: 49-59.
- Warschauer, Mark (2004). Technology and writing. In Davison, Christine & Jim Cummins (eds.) *Handbook of English Language Teaching*. Kluwer: Dordrecht, Netherlands.

## Appendix

**PRELIMINARY RESEARCH QUESTIONNAIRE**

ID: \_\_\_\_\_

*For each item below, check [✓] the most appropriate box.*

1 = Never   2 = Rarely   3 = Sometimes   4 = Often   5 = Very Often

	1	2	3	4	5
1. I use a computer at home.					
2. I use a computer at the college.					
3. I use a laptop computer.					
4. I e-mail members of my family.					
5. I e-mail my friends.					
6. I e-mail my professors and teachers.					
7. I ask questions via e-mail.					
8. I send in assignments by e-mail.					
9. I use a PDA.					
10. I use e-mail abbreviations & acronyms.					
11. I use SMS.					
12. I use my own abbreviations.					
13. I pay attention to grammar and spelling.					
14. I use Spell-Check and Grammar-Check.					

*Submitted: 10.10.2005**Review results sent out: 07.01.2006**Resubmitted: 28.01.2006**Accepted: 02.02.2006*