

Language Attitude and Borrowing: A Case Study of Legal Language in Kashmir

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Introduction: Over the past many decades, Contact linguistics as a field of scientific inquiry has gained strong significance with an ever broadening scope as well as applications. The overwhelming growth of Bilingualism among the societies throughout the world, especially with languages of wider communication like English creeping into every corner of the world, Contact linguistics, is attracting a broad spectrum of scholars throughout the globe. From studies looking into the nature of language attitude among different native groups towards more dominant languages, the psychological ramifications of contact to the research questions related to language policy, planning and Educational Linguistics, contact linguistics occupies a central place in the scientific debate that is essentially interdisciplinary in nature.

In his Classical book 'Language in Contact' (1968), Weinreich maintains that individuals who use more than one language in their day to day activities are the locus of language contact. Thus languages are said to be in contact when "they are

used alternatively by the same person.” (Ibid, P. 1) Use of more than one language by members of a society, referred to as bilingualism and or multilingualism is according to estimates present in every country of the world, with around half of the world as bilinguals (Grosjean, 1982, vii).

Language contact thus emerges out of bilingualism and/ or multilingualism and these bilingual/multilingual individuals underlie all language contact. For the present study bilingualism and multilingualism are taken to mean as the use of more than one language by members of a society. Even though the actual contact takes place in the minds of individual bilingual speakers, language contact, nevertheless, is a phenomenon with social significance. The roots of language contact thus lie in the presence of some kind of societal bilingualism. Bilingualism, the ability of an individual to use more than one language in the normal course of his or her life, is more a consequence of social or historical forces rather than the choice of speakers concerned. The factors that prompt individuals, without regard to their number or percentage in a society, to acquire and employ more than one language in their lives, are varied and complex, however the fact remains that language contact and the consequences arising out of these situations have tremendous impact for the participating languages.

In the present age of globalization, people to people contact across continents, has reached at its zenith. With the elimination of communicative barriers and with the help of technology, language contact has emerged as one of the most significant universal linguistic processes. However, that does not undermine its importance in the historical context. In spite of the constrained means of communication and transport, language contact has been a major historical linguistic process and in the valley of Kashmir, available records show us that bilingualism and language contact has been present as early as ninth century A.D.

Borrowing may be defined as the confirmed and established use of the lexical items by the speakers of a language, called source or donor language, transferred from another language, generally labeled as host or recipient language.

In the above definition of Borrowing, Confirmed means the lexical items are confirmed by the use of the majority of speakers of the recipient language, which include monolinguals as well as bilinguals. Established in the definition refers to the fact that the borrowed lexical items are established according to the structural peculiarities of the target language.

Careful observation of the borrowing process clearly shows that there are two distinct phases in the passage of a lexical item from the source language to the target language. The first phase is the presence of a lexical item in the speech of bilinguals and the second is the use and presence of that item in the speech of monolinguals. Lexical items that manage to enter the second phase are taken as borrowed items in the language.

Language attitude may be taken as the evaluation of a particular language by people who are in some way related to it. "Both as an instrument of communication and as a symbol of group identity, language is accompanied by attitudes and values held by its users and also by persons who do not know the language" (Grosjean 1982, P. 117).

A number of factors can be identified that may be held responsible for the development of language attitude. Group identity, as maintained by Grosjean, is one such stronger candidate. In general it has been observed that languages associated with developed groups, economically, technologically, educationally, culturally and literally are viewed with positive attitude by speakers of a language associated with relatively less developed groups.

Whatever the factors leading to the development of language attitude, "the prestige language is often considered more beautiful, more expressive, more logical and better able to express thoughts and the other language is felt to be ungrammatical, concrete and course" (Grosjean 1982, 120-121).

The paper attempts to present an overview of the borrowing process in Kashmiri, with a focus on those lexical borrowings that are replacing the previously borrowed ones. For a lack of a proper term, the process whereby lexical items borrowed previously are being replaced by fresh borrowings may be called as "Second stage Borrowing". The present study will focus on the Second Stage borrowing with reference to Judicial-legal language. Being native speakers of Kashmiri language, the authors will try to explain this process of Second Stage borrowing, presently at work in Kashmiri, with reference to the concept of Language Attitude.

Language contact in Kashmir: A Historical Perspective: The valley of Kashmir has been a scene of language contact since early medieval times. Available records point to the presence of bilinguals as early as ninth century A.D. From these times to the present day bilingualism and the consequent language contact has been shaping the structure of the language of natives i.e. Kashmiri. The presence of a dominant language in contact with Kashmiri has been a rule rather than exception in Kashmir. In all these centuries, language attitude has played a vital role in maintaining this two language scenario. Kashmiri has witnessed contact with Sanskrit, Persian and Urdu and these languages have a considerable influence over the linguistic structure of Kashmiri language.

In the last two decades, as is happening elsewhere in the world, English is emerging as a stronger competitor for the status of prestige language in valley. In fact, it has already replaced Urdu in the fields of education as far as curriculum and medium of instruction are concerned, however at the spoken level its usage among the masses is next to Urdu in Valley. The administrative activities are carried in English even though Urdu continues to be the official language. The reason probably is that Urdu being the lingua franca of the State serves as a connector for the people of the three major culturally and linguistically diverse divisions of Jammu and Kashmir, namely Jammu, Kashmir and Ladakh. Mass media has popularized English language to a great extent in valley. Given the tremendous amount of exposure to western modes of life, most of the societies in subcontinent, especially in India are undergoing a transformation in their cultural and linguistic behaviors and the lead language engaged in this process of cultural and linguistic contact is English. Westernization of societies in the subcontinent is corresponding to the adoption of English language. The trend has got accelerated due to the phenomenon of Globalization. Similar phenomenon can be observed in Kashmir at present and Kashmiri has already borrowed a sizable number of English lexical items. This has caused a shift in the positive attitude of people from Urdu to English language.

The present Linguistic Scenario can be summarized as follows:

- Kashmiri continues to be the native language of the majority of inhabitants
- Urdu is the official language of the State
- English is the language of education and administration.

Besides, a trend has already set in whereby English is replacing Urdu in the domains of judicial-legal and revenue systems. According to a rough estimate around fifty to

sixty percent of all documents produced in Srinagar's High court are produced in English and the rest in Urdu.

At the spoken level, a large proportion of the natives, most of whom, if not all, are educated, can converse using Urdu, while as the use of English is generally restricted to the educated sections of the society.

The Present Study : Attitudes have been described in terms of four components cognition, feelings and emotional reactions, Behavioural intensions and actual Behaviour. The interplay of these four constituents has been referred to as Attitudinal System. (Zimbardo and Leippe, 1991) While the observable part of the attitude is the actual Behaviour, the rest of the three components are in complete harmony with it. This view has been known as Cognitive consistency (Seamon and Kenrick, 1992, p. 603) As far as Linguistic Behaviour is considered the realization of a language attitude may be taken as more frequent use of a language, in comparison to other by a bilingual. For the present study language attitude may be defined in terms of the choice made between two languages i.e. English and Persian available with a bilingual lawyers working in Srinagar's Lower Court. Choice made by a speaker in favour of one language, instead of other may reflect his/her positive attitude towards that particular language as against the other. In no circumstances should the attitude be taken as absolute; language attitude for the present study will reflect only relative attitude towards one of the two languages in comparison to other of the two.

Method : The present paper is based on the study of the borrowing of a selected list of English lexical items, belonging to the judicial-legal system among the Lawyers practicing in the Srinagar's Lower Court. The list comprises of the one hundred, most frequently used terms in the legal language and as such are not exclusive to the persons involved in Legal profession. As stated earlier, during the period Persian was the official language of the State, the Judicial-legal system was modeled on the pattern of Central Asian countries as such the Language used for these purposes is highly Persianized. For all the terms of English, which have been borrowed and or in the process of borrowing, there are corresponding Persian terms available, which are still in vogue, however their frequency of usage is on decline. The study is based on the spoken language only. Some of these terms are:

Persian	English	Gloss
Muddaii	plaintiff	Plaintiff
Muddaali	defendant	Defendant
Mulzim	accused	Accused
Istigasa	complaint	Complaint
Mustagis	complainant	Complainant
Misl	case	Case
panch nama	Statement made by witness	Statement made by Witness
fard e jurm	charge sheet	Charge Sheet
Sirqa	theft	Theft
Saalsi	arbitration	Arbitration
Illat	First information report	First Information Report
maal i masruqa	stolen property	Stolen Property

The hundred lawyers practicing at the Srinagar High Court were asked to name the Judicial-legal processes, documents, behaviours, persons involved with the system etc; the interviewers using only Kashmiri language while as the use of English as well as Persian was avoided. The informants were not supplied with specific terms, rather a description of the Judicial-legal processes, documents, legal proceedings etc, was given to the Lawyers using Kashmiri language, to prevent the use of Persian or English terms that could serve as a clue. The spontaneous and immediate response to the question asked in Kashmiri was recorded; any subsequent reply to the same query was discarded.

The study was designed around three variables;

- 1) Age – above forty and below forty years
- 2) Medium of instruction – lawyers with their schooling in Urdu medium Schools and lawyers with their schooling in English medium schools. (up to 12th standard)
- 3) Urban – rural

Results: On an average it was found that there is an increasing tendency among the lawyers to use English lexical items rather than their Persian counterparts without regard to any of the above variables. Around seventy percent of the respondents, irrespective of any of the variables were found to be using more English lexical items in comparison to the Persian items. Only twenty four percent of the selected lawyers

used more Persian items than English ones. The rest of the six percent were found to be using an equal number Persian and English Lexical items.

Lawyers above forty years of age, in general had a tendency to use more Persian lexical items than lawyers below forty. For fifty four percent of the descriptions they responded with the use of Persian items. Lawyers below forty years of age used English lexical items for eighty percent of the responses and for twenty percent they used Persian items.

Lawyers from rural areas were found to be using more Persian lexical items than lawyers from Srinagar and adjoining areas. Most of the Lawyers from rural areas used Persian lexical items for around fifty six percent of the descriptions; twenty percent of the lawyers from rural areas used English lexical items for sixty percent of the descriptions. Lawyers from Urban areas seemed to use more English lexical items than Persian; for seventy five percent of the descriptions, they used English lexical items.

For lawyers having their schooling in English medium schools, use of English lexical items was found to be much more frequent than the lawyers with schooling in Urdu medium schools. For ninety percent of the descriptions, the first group used English lexical items, while as the second group used English for around forty eight percent of the times.

Lawyers from Srinagar who were below forty years of age and had their schooling in English Medium Schools were found to be using least number of Persian lexical items and lawyers who were above forty and from rural areas and who had their schooling in Urdu medium schools used more Persian lexical items than any other group. In the former case the use of Persian was seven percent as against thirty three percent in later.

Group	Percentage of Lawyers	Percentage use of Persian Lexical items	Percentage use of English Lexical items
All	70	14	86
All	24	61	39

All	6	50	50
Above 40 years of age	Approx. 100	54	46
Below 40 years of age	Approx. 100	20	80
Rural areas	80	56	44
Rural areas	20	40	60
Urban areas	Approx. 100	25	75
English medium schooling	Approx.100	10	90
Urdu medium schooling	Approx.100	52	48
Below 40 years, urban with English medium schooling	100	7	93
Above 40 years, rural with Urdu medium schooling	100	32	78

Table showing percentage use of English and Persian lexical items by different groups of Lawyers

Conclusion : During the study it was found that use of lexical items of English and Persian show considerable variation among the selected lawyers. On one hand there are lawyers who were found to be largely using English lexical items and on the other there were lawyers who would use Persian lexical items for around half of the times.

Younger lawyers were found to using much more English lexical items than the older ones and one immediate conclusion that could be drawn is that use of Persian lexical items is on decline and simultaneously the use of English lexical items is on the rise. As such it can be said that in terms of Language Attitude, English is gaining momentum and wide currency among the lawyers of Kashmir.

Level of exposure to Language may influence Language attitude and Language choice. This conclusion is validated from the finding that lawyers having their schooling in English medium schools prefer English lexical items over their Persian counterparts. Besides the above forty years group of lawyers in comparison to their younger counterparts had greater exposure to Urdu language, as reflected from their

comparatively lesser use of English lexical items. The same criterion holds true of Urban-Rural criterion.

As is clear from the study English is gaining currency in Kashmir a very fast rate. Given the significance, the language has achieved in the last many decades it has started penetrating virtually into every domain of socio-cultural life. This is quite evident from the current study that a highly Persianized domain of Kashmiri socio-cultural life like Judiciary and Judicial Language is being significantly influenced by English language.

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