

ISSUES OF INTERCULTURAL COMMUNICATION IN MODERN LEGAL TRAINING

The article discloses some approaches to studying such notions as “intercultural communication” and “intercultural competency” offered by Western and European scholars. The author analyzes methods of intercultural competency development implemented by foreign researchers, and describes possible ways of their application in forming such competency of law students in terms of the course of lectures and seminars “Modern culture of business communication”.

Keywords: *intercultural competency, intercultural communication, culture, intercultural sensitivity.*

Growth of interdependence of people and cultures in the global society of the twenty-first century has forced us to pay greater attention to intercultural issues. Development of modern technologies, mass media, transportation, etc. affected the world economy and the business world which are becoming more international and interrelated. Today's age of globalization lays down new higher requirements for qualification of future professionals, especially in the sphere of law. Modern legal professionals are increasingly expected to take part in transnational negotiations, provide legal support in international transaction and interact with colleagues from other countries.

Analysis made by a number of researchers showed that currently potential employers especially those who operate in the global market, pay attention not only to recruits' language skills but to intercultural competency in professional sphere. Since intercultural competence is a combination of languacultural, sociocultural and discourse components, it contributes to successful cross-cultural adaptation and culture shock overcoming [1].

The objective of the article is the analysis of Western and European researchers' approaches to the actual problem of intercultural communication, intercultural competency and its development.

Initially we shall clarify such interrelated terms as “intercultural communication”, “cross-cultural communication” and “interdiscourse communication”. Ron and Suzanne Scollon made the following distinction in studying of these phenomena: “Studies in “*cross-cultural communication*” start from an assumption of distinct cultural groups and investigate aspects of their communicative practices comparatively. Studies in “*intercultural communication*” also start from an assumption of cultural differences between distinct cultural groups but study their communicative practices in interaction with each other. Finally, the “*interdiscourse approach*” sets aside any a priori notions of group membership and identity and asks instead how and under what circumstances concepts such as culture are produced by participants as relevant categories for interpersonal ideological negotiation” [9].

From those mentioned above we shall use the term “intercultural communication” as it correlates with the essence of our research. Before proceeding we consider it logical to define “culture” as it lies in the basis of this term. For our purposes we understand “culture”, following L.A. Samovar, and R.E. Porter, as the deposit of knowledge, experience, beliefs, values, attitudes, meanings, social hierarchies, religion, notions of time, roles, spatial relationships, concepts of the universe, and material objects and possessions acquired by a group of people in the course of generations through individual and group striving [8].

The ability to step beyond one's own culture and function with other individuals from linguistically and culturally diverse backgrounds can be provided by intercultural competence. In its broadest sense, intercultural competence can be defined, following A.E. Fantini, as “a complex of abilities needed to perform effectively and appropriately when interacting with others who are linguistically and culturally different from oneself”. Throughout the literature, researchers and theoreticians use a range of more or less related terms to discuss and describe intercultural competence, including intercultural communicative competence, transcultural communication, cross-cultural adaptation, and intercultural sensitivity, among others [2]. The acquisition of such competencies may be important not only for individual enrichment and communicative proficiency but also for providing future professionals and leaders with the capabilities necessary for promoting successful collaboration across cultures.

According to J.W. Neuliep from the perspective of the contextual approach, intercultural competence consists of four dimensions: knowledge component (how much one knows about the culture of others), affective (one's motivation to interact with others from different cultures), psychomotor (the actual enactment of the knowledge and affective components), and including a fourth contextual component (situational features in which intercultural communication takes place) [5].

From the perspective of behavioral approach to the conceptualization and measurement of intercultural competence, B.D. Ruben identified seven dimensions of intercultural competence: 1. display of respect which describes an individual's ability to “express respect and positive regard” for other individuals; 2. interaction posture that refers to an individual's ability to “respond to others in a descriptive, nonevaluative, and nonjudgmental way”; 3. orientation to knowledge that describes an individual's ability to recognize and acknowledge that people explain the world around them in different ways with differing views of what is “right” and “true”; 4. empathy that is an individual's ability to “put oneself in another's shoes”; 5. self-oriented role behavior that expresses an individual's ability to “be flexible and to function in requesting information, clarification and evaluating ideas for problem solving; 6. interaction management is an individual's ability to take turns in discussion and initiate and terminate interaction based on

a reasonably accurate assessment of the needs and desires of others; 7. tolerance for ambiguity describes an individual's ability to "react to new and ambiguous situations with little visible discomfort" [7, 339-341].

Developing European multidimensional model of intercultural competence based on the experiences in the European context, K. Risager proposed an expanded conceptualization of intercultural competence. The researcher argued that a model for intercultural competence must include the broad resources an individual possesses as well as the narrow competences that can be assessed. It is noteworthy that the 10 elements outlined are largely manifested in linguistic developments and proficiencies: 1. linguistic (linguistic) competence; 2. languacultural competences and resources: semantics and pragmatics; 3. languacultural competences and resources: poetics; 4. languacultural competences and resources: linguistic identity; 5. translation and interpretation; 6. interpreting texts (discourses); 7. use of ethnographic methods; 8. transnational cooperation; 9. knowledge of language as critical language awareness, also as a world citizen; 10. knowledge of culture and society and critical cultural awareness, also as a world citizen [7].

As far as there is no generally accepted model of intercultural competency, in the course of our research intercultural competence can be generally regarded as the knowledge, skills that enable individuals to adapt effectively in cross-cultural environments. Hence, intercultural competence is becoming an essential part of qualifications for legal professionals able to operate in international environment. We consider the following components to be essential for intercultural competence of international lawyers: 1. country's basic information awareness and understanding of non-native culture (foreign countries' background, that is, history, legal system, religion, national characteristics, etc.); 2. awareness of communication issues (language, nonverbals of particular culture: body language, gestures, etc.); 3. acknowledging and understanding of cultural differences concerning business relationships (meetings, negotiating, business etiquette and protocols, etc.)

For the purpose of language teaching intercultural competence development is considered to be an integral part of language learning and can be implemented by involving of cross-cultural information into classroom activities [10].

The analysis of Western and European practice of intercultural competency development shows wide application of independent intercultural training courses. They provide the students not only with information but also develop skills, and encourage them to progress along the cultural learning curve.

Having studied the methods offered by R. Gibson (briefings, using culture models, culture assimilator training, interaction training) [4] we made an attempt to adopt them to the objectives and conditions of modern legal training. Their application was implemented within the course of lectures and seminars on "Contemporary business culture" for the first year students. Let us consider them.

1. Briefings – they concentrate on the transfer of information about cultures—people from the target culture, or who have experience of it, are often invited to give a lecture or workshop. Training remains on the cognitive level. This method resulted in developing of a lecture course covering the cultural traditions and business communication style of six foreign countries. Each lecture comprises such points as country background, values and attitudes, business practice, etiquette and protocol characteristic of each particular country.

2. Using culture models like those developed by E.T. Hall, G. Hofstede and F. Trompenaars can be used as a basis for training. Participants are encouraged to use the models as tools in order to help them understand intercultural encounters. In our course of lectures we used some dimensions, developed by these researchers, which are the basis for distinctions between world business cultures. They are: 1. *individualism versus collectivism* - societies that value individualism, such as the U.S., encourage independent thinking and personal success, while collectivist cultures, such as Japan and various Arabic societies, encourage group success and conformity; 2. *power - distance* - this dimension relates to how individuals view power and perceive their role in decision-making. In a low power-distance culture, like the U.S., individual employees will feel more empowered, accept more responsibility and want a role in decision-making, whereas in a high power-distance culture, like Russia, Japan employees look up to an authoritarian boss, seek direction and discipline, and accept the boss's decisions; 3. *uncertainty-avoidance* - this dimension relates to the ability to take chances versus the quest for certainty. For example, the Swiss, Germans and Japanese are high-uncertainty-avoidance cultures and prefer security and structure. On the other hand, those in the U.S., in low-uncertainty-avoidance culture, are much more open to taking risks and living with uncertainty. This even affects meetings, because the Japanese will carefully prepare and even rehearse meetings, while U.S. managers are more responsive to questions and changes in the agenda; 4. *masculinity versus femininity* - the distinction here is between societies that value masculine traits, such as aggressiveness, assertiveness and material acquisition, versus those that have more feminine traits, such as a concern with personal relationships. For instance, U.S. culture is high in masculine traits but French and Chinese cultures are higher in feminine traits [11].

Other cultural distinctions developed by E.T. Hall include how individuals relate to **context**. In **high-context cultures**, such as Japan and Saudi Arabia, context is at least as important as what is actually said. The speaker and the listener rely on a common understanding of the context and what is not being said can carry more meaning than what is said. In **low-context cultures** most of the information is contained explicitly in the words. North American cultures engage in low-context communications. Unless one is aware of this basic difference, messages and intentions can easily be misunderstood [3].

3. Culture assimilator training. Sets of critical incidents are used to encourage participants to interpret situations from the perspective of the target culture. According to this method our course presents extensive number of true to life incidents of intercultural misunderstanding. For example, "Sales representatives from Germany and Britain are in a

difficult negotiation. Things are getting tense. Franz Bauer sits upright and is disturbed as Jim Banks relaxes in his chair. Franz Bauer feels that Jim is not taking the negotiation seriously. Jim feels that Herr Bauer is getting more and more aggressive.” (Comments: the German’s upright position indicates the seriousness with which he is taking the situation, while Jim’s posture in the chair indicates his wish to defuse the situation. The two people misinterpret each other’s behaviour, and so the situation escalates. In some cultures travellers should be careful to avoid exposing certain parts of their body. In some Arab cultures, for example, the sole of the foot is considered dirty, and should never be shown, so anyone who adopts the local custom of sitting on the floor, for instance, has to take care to avoid doing this).

4. Interaction training. Case studies and role plays are used to simulate interaction with people from the target culture. Following this approach the seminars programme on “Contemporary business culture” offers illustrative cases of cultural miscommunication. For example, “A U.S. airplane manufacturer and a Japanese airline company were negotiating the price of some airplanes. The American negotiating team suggested a price. In response, the Japanese were quiet. The American team then lowered the price. The Japanese team were quiet again. The American team lowered the price again. The Japanese team continued to keep silent. In the end, the Japanese team came away from the negotiation with a price lower than they ever expected. The Americans were disappointed because they sold the planes at a very low price.”

Another part of “case study” approach was implemented with a group of role plays. For example, “The two companies (the American and the Japanese ones) after a kind of cultural miscommunication are still interested in the proposed deal. They want to understand the differences between the negotiation processes in the two countries, so they may be more successful in their next round of negotiations. As a class you are to investigate the differences of these cultures and then develop a plan for the next encounter.”

The methods of intercultural training illustrated above were designed for breaking down barriers and facilitating intercultural interactions and cultural awareness. They encourage law students to explore cultural values and differences, leading to deeper levels of understanding. The knowledge and skills obtained by law students in the course of lectures and seminars on “Contemporary business culture” is supposed to reduce the risk of the conflicts provoked by cultural diversity of counterparts, intercultural miscommunication or business blunders on international arena.

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