

A Review of Studies of Developing Intercultural Communicative Competence of International Legal Professionals

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Abstract

An outstanding international legal professionals should be equipped with high level of intercultural communicative competence as well as in-depth knowledge and skills in legal theory and practice. This paper firstly reviews a great amount of studies of training of outstanding international legal professionals and intercultural communicative competence. Drawing on the literature review, the author comes to a conclusion that an outstanding international legal professionals should have the following five essentials and qualities: legal expertise; extensive knowledge in international economy, finance, management, and other related facts; intercultural communicative competence; foreign language proficiency in law; legal innovation ability; and legal ethics. Next, the author presents some shortcomings in the cultivation of intercultural communicative competence of international legal professionals in the Chinese context.

Keywords

International legal professionals; Intercultural communicative competence; Legal education.

1. Introduction

With the acceleration of globalization, cooperation and competition between nations across the world have been expanded and strengthened more than ever before, which demands more and more professionals who has high proficiency in their respective fields when handling transnational situations, among which legal issues usually pose serious challenges and may have tremendous consequences for the successful cooperation between the two parties. Therefore, producing outstanding legal professionals who are able to deal with transnational legal issues become very important.

Outstanding international legal professionals refer to the high-level legal professionals equipped with international vision and knowledge of international rules, who are highly engaged in international legal affairs, good at safeguarding their own national interests, and have the courage to promote global governance in order to meet the needs of the ever-changing world in the context of multi-polarization, economic globalization [9, 34, 36, 37]. Intercultural communicative competence is one of the necessary abilities of outstanding international legal professionals in the era of globalization [4, 9, 13, 26, 35, 37].

2. Training and Education for International Legal Professionals

Since the 1990s, the United States and the United Kingdom have taken the lead in promoting a new round of internationalization of law education in order to adapt to the development trend of the training of international legal talents. Followed by France, Germany, Australia, Japan and other developed countries, they also adjust the training objectives of legal talents by promoting the internationalization of law curriculum, reforming teaching methods, cultivating students'

professional legal skills and reforming the ways and systems of talent training. Although the training modes of international legal talents in various countries have their own characteristics, there are some commonalities, such as highlighting of foreign-related characteristics, comprehensive quality education, the internationalization of teaching content, and the assimilation of core literacy [24]. At the same time, scholars from all countries have explored and discussed the cultivation of international legal professionals in the new century from the perspectives of law discipline development, educators' beliefs, faculty members, curriculum, teaching methods and resources, core quality of talents, international cooperation, academic research and so on [12, 22].

In December 2011, the Ministry of Education of China and the Central Committee of Political and Legal Commission of the Communist Party of China jointly issued the *Several Opinions on the Implementation of the Education and Training Plan for Outstanding Legal Talents* (hereinafter referred to as the *Opinions*), which clearly put forward the overall objectives, main tasks and work measures of the education and training plan for outstanding legal talents, and required the training of outstanding legal talents with specific goals. The document points out that cultivating international legal professionals is the first step for cultivating practical and compound legal professionals, and puts forward higher requirements for the education and training of legal talents. In October 2018, the Ministry of Education of China and the Central Committee of Political and Legal Affairs of the Communist Party of China jointly updated the *Opinions on the Education and Training Plan for Excellent Legal Talents with Virtues and Professional Knowledge*, which puts forward higher requirements for the education and training of legal talents, and points out that cultivating high-level international legal professionals who have the courage to promote the reform of global governance rules on top of previous denouements.

Domestic scholars have discussed the training of international legal professionals from various aspects, including the national strategic significance of international legal professionals [18], training objectives [20, 34, 37], training patterns [9, 24, 34] core quality or quality model [31, 33, 38], curriculum construction [38], faculty members and evaluation mechanism [38], and the like. Zeng specifically expounded in detail the definition and interpretation of outstanding international legal professionals as well as the elements of "being outstanding" which includes excellent training programs, curriculum systems, teachers, teaching materials, teaching methods, internship bases, libraries and evaluation systems [27]. To sum up, intercultural communicative competence has become one of the necessary abilities of outstanding foreign-related or international legal talents in the era of globalization.

3. Intercultural Communicative Competence

Intercultural communicative competence itself is a very complex issue. The research scope of it covers a variety of disciplines, such as anthropology, linguistics, communication, education and other fields. The research content of it covers concept definition, theoretical construction, competence development and evaluation and measurement [7, 15].

The research on intercultural communicative competence abroad began in the 1960s, which mainly focused on solving the practical problems of expatriates (including multinational corporation employees and technicians, diplomats, international students) and immigrants in the process of intercultural adaptation, involving the field of education, business, engineering, social work, medical care, religion, tourism, military, law and others [2]. The research content covers the concept definition, theoretical and practical model construction, evaluation and measurement of intercultural communicative competence [7, 28]. Bennett developed a model of intercultural competence development based on the theory of cultural adaptation stage [2]. He believed that the development of an individual's intercultural competence experienced two

stages of development, from cultural ethnocentrism to cultural relativism, which are closely interrelated, on the other hand, fundamentally different. Drawing on this theoretical basis, he developed a scale for measuring the development of intercultural competence.

Byram proposed that Intercultural competence includes four elements: knowledge, attitude, skills and critical cultural awareness, of which foreign language proficiency is the basis and critical cultural awareness is the key [5]. Spitzberg believes that intercultural competence includes five elements, namely motivation, knowledge, skills, context and outcome, which are divided into three systems: individual, plot and relationship [28]. Deardorff constructed two models of intercultural competence: a pyramid model and a process model. Both models cover the three essential elements of intercultural communication, including attitudes, knowledge and skills, as well as the desired internal and external outcome [8].

Domestic research on intercultural communicative competence began in the mid-1980s, mainly focusing on the cultivation of foreign language talents and international talents [7], most of which focused on the field of foreign language teaching [e.g. 11, 14, 15, 40], and a few studies focused on international business, foreign-related police affairs, hotel management, medical care, Chinese as a foreign language, tourism, military and other fields.

Although the research on intercultural communicative competence in China started a little bit late, there are many achievements coming out. The research content focuses on the definition of intercultural communicative competence [39], theoretical model construction [e.g. 10, 11, 40] and the design and development of the evaluation scale [e.g. 10]. In fact, most research then were conducted without taking Chinese context into consideration. At the turn of the 21st century, Chinese scholars began to explore intercultural competence studies under Chinese context. For example, Gao interpreted the concept of intercultural communication with the "Tao" and "Qi" in Chinese culture [11]; Gao applied the theory of "unity of knowledge and action" to construct a intercultural theoretical model of "unity of knowledge and action" consisting of six modules: knowledge, consciousness, speculation, attitude, skills and strategy [10]. Gu's theoretical model of intercultural communicative competence interaction elaborates the elements of intercultural communicative competence and their interrelationships, emphasizing the interaction of language, culture and communication [14]. Starting from the development needs of Chinese students' intercultural competence, Zhang and Yao constructed an integrated development model of Chinese students' intercultural competence with the goals of foreign language education in Chinese context [40].

Reviewing the research on intercultural communicative competence at home and abroad, scholars have reached a consensus in the following four aspects: 1) intercultural communicative competence is a complex concept, including three basic elements of attitudes, knowledge and skills; 2) intercultural communicative competence is not only a personal trait but also an interactive skill, which is a dynamic development process; 3) intercultural communicative competence is the ability of both interactants to perceive and recognize, and its main evaluation criteria are appropriateness and effectiveness; 4) Any single specific perspective has limitations. Only by adopting multiple perspectives can we accurately understand the connotation of Intercultural communicative competence and identify its constituent elements. The theoretical construction of Chinese native intercultural communicative competence can focus on three aspects: 1) re-examination of the concept of intercultural competence; 2) discrimination of competence elements and model construction; 3) validation and improvement of theoretical model [7].

4. Intercultural Communicative Competence of International Legal Professionals

As far as the intercultural communicative competence of foreign-related or international legal talents concerned, a great number of scholars have carried out a lot of exploration from a multidimensional perspective and made many achievements [4, 9, 13, 26, 38].

As early as the 1980s, some international scholars recognized the importance of cultivating the intercultural communicative competence of international legal talents. Combining the real legal cases in the intercultural context, Kessler discussed the intercultural communicative competence that an excellent lawyer should have, and proposed the model of intercultural communication in the context of legal interview and consultation, i.e. Model of Intercultural Communication in Legal Interviewing and Counseling, which includes the lawyer's motivation and goal, the client's motivation and goal, the factors that hinder the failure of intercultural communication, and the coping strategies [17].

Based on his rich teaching experience, Bryant and his colleagues jointly constructed the "Five Habits" model to improve lawyers' intercultural communicative competence, which had a significant and extensive impact on subsequent relevant research [4]. Thao and Tawatao believe that lawyers' intercultural communicative competence should be at the same level as their professional defense skills. Drawing on real legal cases, they analyzed the reasons and necessity for lawyers to have intercultural communicative competence, and gave specific suggestions on how to improve lawyers' intercultural communicative competence in practice, for instance, college educations should integrate intercultural communicative competence development into legal professional curriculum; bar associations should promulgate policies and plans related to intercultural communicative competence; and intercultural communicative competence training should be offered to lawyers and so on [31].

At the beginning of the second decade of this century, the cultivation of legal talents' intercultural communicative competence has drawn greater attention of the American legal community. In 2011, 39 professors from all over the world gathered at California Pacific University in the United States and held a seminar on the theme of "Promoting Intercultural Legal Competence of Legal Talents", which clarified the importance, universality and complexity of the cultivation of intercultural communicative competence of legal talents, and discussed the cultivation objectives of intercultural communicative competence of legal talents, as well as the curriculum, project types, teaching methods and existing challenges, etc. Moreover, they clearly expounded the importance of integrating intercultural communicative competence into the existing legal talent training objectives and improving the existing teaching methods to meet the needs of legal talents' development in the globalization era [13].

Since then, foreign scholars have begun to explore the promotion of intercultural communicative competence of legal talents from a multidimensional perspective, mainly including the necessity of training [23], training objectives, concept definition, theoretical construction [3, 35], teaching methods [21], curriculum design, curriculum evaluation, and the contribution of intercultural communicative competence to the competence of practicing lawyers [16, 27]. In combination with her own teaching experience and overseas practice projects, Aldana comprehensively elaborated the necessity, objectives, teaching methods and curriculum evaluation of the cultivation of intercultural communicative competence of law students [1]. Sample expounded the elements of intercultural communicative competence that lawyers should have and the ways to improve it from the definition of intercultural communicative competence and its constituent elements [25]. Blumberg put forward an intercultural communicative competence development model based on his early training experience in combination with his overseas internship program courses [3].

Domestic scholars also made some explorations in this aspects. Shi and Han believe that qualified international legal professionals should be equipped with intercultural communicative competence which includes mastering the sociocultural knowledge of one's own and the interactants' country and applying those knowledge to the intercultural interactions; having a solid foundation of foreign language skills and professional legal foreign language skills for effective communication in intercultural legal situation; be curious and open about the social culture of the interactants' country; and be able to be aware of the cultural differences between each other so as to achieve effective intercultural communication [26]. From the perspective of the interaction of multiple legal cultures, Long explained the training principles and paths for the intercultural communicative competence of legal professionals. The training principles include the principle of combining legal English language teaching with legal culture teaching, the principle of cultural comparison and contrast, the principle of practicality and the principle of gradual progress. The training path includes the establishment of a scientific intercultural legal education curriculum system, the establishment of education content focusing on the cultivation of intercultural thinking, and the emphasis on the cultivation of teachers' intercultural competence [19].

5. The Core Qualities for International Legal Professionals

Drawing on the literature reviewed above-mentioned, both domestic and international scholars believe that outstanding foreign-related or international legal talents should be equipped with the following core qualities (see Figure 1 below).



Figure 1. Core qualities for international legal professionals

First, legal expertise. Being outstanding international legal professionals, they must be proficient in the foreign-related laws, international laws and the laws of major legal systems or countries in the world, and be able to accurately use these laws to analyze and solve various complicated and specific problems and cases in the international exchanges and cooperation [25, 32, 36]. They must be able to be actively engaged in international legal affairs, be familiar with international legal rules and negotiation practices, have a good command of court debate skills, and safeguard their own national interests [e.g. 37].

Second, knowledge in international economy, finance, management, etc. Being outstanding international legal professionals, they must have extensive knowledge of international

economy, finance and trade, enterprise management of international relations, etc. They must understand and be familiar with international economic practices, trade and investment rules and the capability to handle international affairs [9, 29, 36, 37].

Third, intercultural communicative competence. Being outstanding international legal professionals, they should have an international vision [25] and global mindset. They must be able to air their opinions and comments in international affairs and situation [18]. They must bridge a gap between China and other countries in intercultural communication and be able to resolve transnational legal issues [3, 33].

Fourth, foreign language proficiency in law. Being outstanding international legal professionals, they should have a good command of at least two foreign languages [37], and be able to use foreign languages skillfully to engage in foreign-related legal work, such as writing, negotiating, drafting documents, participating in transnational litigation and arbitration, and designing solutions to transnational legal affairs [12, 32, 33]. As Zhang says, legal English is an indispensable working language for China's foreign-related legal services [38]. The level of legal practitioners' foreign language proficiency often becomes an important indicator of whether they are professional legal elites or not [31].

Fifth, legal innovation ability. Being outstanding international legal professionals, they should play a major role in international law theory research and being brave to promote the reform of global governance rules, so that they can make important contributions to the trend of international law theory reform [22]. Moreover, they should promote the development of international law from Chinese perspective, which is supposed to contribute to the upgrading progress of international rule of law [9].

Six, legal ethics. Legal ethics refers a set of code of conduct that governing legal practitioners when they are engaged in legal practice, which is composed of honesty, courtesy, conscientiousness, trustworthiness, duty towards justice and so on. Being outstanding international legal professionals, they must adhere to those professional ethics in legal practice [26].

Based on the reviewing of research on the cultivation of outstanding international legal professionals and intercultural communicative competence at home and abroad, it is not difficult to see that there are still some shortcomings in the cultivation of intercultural communicative competence of international legal professionals in the context of higher education in China. Specifically speaking, they are mainly manifested in the following aspects.

The scope of research on intercultural communicative competence in the context of higher education in China is too limited. In the existing literature, the vast majority of studies on intercultural communicative competence are mainly concentrated in the field of foreign language education, with the goal of cultivating outstanding foreign language talents, and less attention paid to the field of legal education. The study on intercultural communicative competence with the goal of cultivating outstanding international legal professionals is obviously insufficient.

The research on the intercultural communicative competence of outstanding international legal professionals is inadequate. Although many scholars highly agree that intercultural communicative competence is one of the necessary abilities of outstanding international legal professionals, the academic community has not given a clear and specific definition of intercultural communicative competence of outstanding international legal professionals, the analysis of its constituent elements is not sophisticated and the interpretation of its connotation is not sufficient, and the specific objectives and requirements for cultivating this ability are not clear, thus the theories and practices for cultivating the intercultural communicative competence for Chinese legal talents are still lacking.

There is a lack of dual perspectives of foreign language education and legal education. Although some domestic scholars have made a detailed explanation of the intercultural communicative competence that qualified outstanding international legal professionals should have, they mainly start from the perspective of legal education personnel training. In view of the fact that the research on intercultural communicative competence in China has started and flourished in the field of foreign language education, therefore it is of great importance to integrate the dual perspectives of foreign language education and legal education, and explore a more perfect intercultural communicative competence training system for outstanding international legal professionals.

6. Conclusion

International legal professionals plays an increasingly important role in the globalization era, which has been agreed upon by both a great number of scholars. An outstanding international legal professionals should not only have a high level of proficiency in legal theory and practice but also have an excellent command of intercultural communicative competence. The intercultural communicative competence of an outstanding international legal professionals is supposed to be to some extent different from that of the general public or educational context, for instance. It should manifest its own features such as the knowledge of legal languages and cultures. This paper presented a detailed review of studies of outstanding international legal professionals in terms of the essentials and qualities they should be equipped with in the context of globalization. However, further studies should give more attention to the theoretical model development and its application in practice in terms of intercultural communicative competence development in Chinese legal professionals who are engaged in international legal issues.

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