

Балабуха К. В.

*Національний університет «Одеська юридична академія»,
доцент кафедри іноземних мов, кандидат педагогічних наук*

THE PLACE OF CROSS-CULTURAL COMPETENCE IN THE COURSE OF LEGAL TRAINING

As today's businesses are entering a 'globalized' world, the interaction between different cultures is bound to happen. Merely learning different languages, won't be enough. It is necessary to understand the social conditions of different countries to interact successfully on the international arena. Being sensitive to the values and beliefs of different cultures of the world is necessary. Tomorrow's world will rely more on a symbiotic relationship between international businesses and cultures as a whole. When different cultures converge at a common point with business as the platform, the clashes are likely to take place.

Since businesses rely on legal advice, documentation and advocacy throughout the lifecycle of a business undertaking, lawyers are increasingly being asked to provide counsel relating to transnational business transactions and disputes. To be effective, legal counsel must be able to develop legal support for international negotiations and transactions that is accepted by the counterparty and enforceable in the relevant localities. The absence of such capabilities in counsel can be disastrous. Cultural miscomprehension can result in significant costs and, sometimes, more lasting damage to future prospects.

The importance of cross-cultural competency in the sphere of international relationships, business, legal practice is recognized by authoritative scientists (K. M. Asante, R. Brislin, L. H. Chaney, W. B. Gudykunst, W. Klopff, C. Kluckhohn, J. S. Martin, J. McCroskey, T. Morrison, J. Reeves, F. Trompenaas, etc.) as well as practitioners, business executives and global enterprises.

For example: «General Motors» has stated in court briefs that «cross-cultural competence is the most important new attribute for future effective performance in a global marketplace.» «Microsoft» has acknowledged past losses resulting from an inability to identify and bridge international cultural divides. Microsoft's response, in common with large sections of the business community, has been to invest heavily to establish and broaden cross-cultural skills. (Gegios R. L., D. R. Taylor Cross-Cultural Competency: A Non-Negotiable Skill for Lawyers Involved in International Commerce/ Important legal topics affecting companies today. – October, 2011).

The amount of attention devoted by the business media to cross-cultural management tools and techniques reflects the international business community's recognition that developing cross-cultural competence internally is essential to international business success. It should be no less important to ensure that both in-house and outside counsel possess the same cross-cultural capabilities.

Hence, one can observe an increasing interest of educational establishments for enrolling international business culture courses in diverse forms into their curricula.

Cross-cultural business interaction should certainly be addressed in core business courses. The fundamental reason for doing it is to improve the chances of succeeding in business and international legal practice. The topic is especially important in courses on strategy, organizational behavior, entrepreneurship, human resource management, marketing, negotiations, and business ethics. The objectives of introducing culture should be threefold: one is to make students aware of differences in cultures; two – to experience what it is like to find oneself in business situations in another culture; three – to understand how to develop synergies by learning what each culture has to offer to the other. (Marer Paul. *Introducing Culture in Business Courses*/ <http://www.indiana.edu/~busx420/HRM>).

Cross-cultural competence refers to the knowledge, skills that enable individuals to adapt effectively in cross-cultural environments. Cross-cultural competence is defined as an individual capability that contributes to intercultural effectiveness regardless of the particular intersection of cultures. Although some aspects of cognition, behavior may be particularly relevant in a specific country or region, evidence suggests that a core set of competencies enables adaptation to any culture (Hall E. T. *Beyond Culture*/ Garden City, N. Y.: Anchor Press/ Doubleday and Company, 1976).

Since English language is one of the most widespread languages of international communication, this article deals with cross-cultural competence of future lawyers in the context of teaching English. For non-native English speakers cross cultural competence consists of many components and differs dramatically from the one which is delivered to the native speakers. The mentioned components are described differently by a great number of researchers (N. Arthur, T. B. Gutkin, S. L. Wise, E. W. Lynch, J. G. Ponterotto, D. J. Prediger, G. R. Sodovsky, R. C. Taffé, etc.). We consider the list of components offered by Lynch W. E to be the most appropriate within the objectives of this article. The author highlights the following components as important for cross-cultural competency of international lawyers: self awareness – developing an understanding and appreciation of one's own culture; having culture specific awareness and understanding by studying and reading about culture; participating the daily life of culture; learning the language of the culture; having awareness of communication issues – high context versus low context cultures, nonverbals of particular culture (eye contact and financial expressions, body language, gestures); acknowledging and understanding of cultural differences, instead of minimising them (Lynch, E. V. *Developing cross-cultural competence in* Lynch, E. V., and Hanson, M. J.(Eds). *Developing cross-cultural competence*/ Maryland: Paul H Brooks Publishing (pp.35-58)).

Our survey may be fittingly concluded with the observation that in Europe and Western countries there is a strong recognition of cross-cultural competence as an integral part of the grounding of future skilled professional able to communicate effectively in the field of international legal and business practice. In contrast to such views, Ukrainian high educational establishments haven't yet recognized the need for such courses as international business culture, intercultural business communication and some other ones related to them within the process of legal training.