Language pedagogy perspective for lawyers' intercultural communication

Ludmila V. Yarotskaya[1], Darya V. Aleynikova[2]

[1, 2]Moscow State Linguistic University, Moscow, Russian Federation
[1]lvyar@yandex.ru, ORCID: 0000-0001-6539-3085
[2]festabene@mail.ru, ORCID: 0000-0001-5397-7999

Abstract. Modern lawyers practising at the international level face various difficulties while communicating with their foreign colleagues. Such obstacles may have different grounds, including discrepancies in the communicators' backgrounds and world views. In order to mitigate these discrepancies, we need to provide an entirely new approach to teaching law students intercultural professional communication at master's level. The present research aims to substantiate the concept of communication-and-action-oriented needs as a culture-specific characteristic of language identity paying greater attention to the idea of lawyer's communication-and-action-oriented needs and identifying the course's effectiveness for teaching future lawyers intercultural professional communication in colliding legal cultures based on the concept mentioned above. The following course was carried out by the authors at the Law Institute of International Law and Justice at Moscow State Linguistic University among thirty-two master's degree students. The authors of the study employed both a descriptive research design and an explanatory research design. Also, an experimental research design was used to find out how successful the course results were. Collecting data included tests. The average scores showed that the students achieved better results after completing the course. The authors applied correlation analysis to assess the correlation between the students' achievements before and after completing the course. The results of the study show that lawyer's communication-and-action-oriented needs could provide a steady basis for modeling original content for teaching young lawyers to communicate with their counterparts from other legal cultures. Having analyzed different approaches to human needs' conceptualization, the authors specify that needs possess a unique descriptive potential that proves to combine both constant and variable features. Lawyer's professional needs are always realized through actual legal practices that are only existent and meaningful in the given cultural, social and legal settings. The conducted research provided the basis for modeling original content for teaching young lawyers and let the authors of the article work out the course for master's degree students. The work results can be helpful at any law school/university in Russia to provide high-quality education for law students in English.

Keywords: lawyer's communication-and-action-oriented needs, intercultural legal framework, non-linguists' foreign language vocational training, educational philosophy, language pedagogy

Introduction

Needs as a person's inherent quality have always attracted philosophers and researchers worldwide as they explain a lot about a person, their settings, development driving forces, social tools, and cultural catalysts. Life changed, a human being evolved, research paradigms shifted, but the focus on human needs never faded away. Moreover, new facets of the object of research were highlighted, new implications became developed, and new dependencies came to be detected, all of which proved to form the basis for a more systemic research of the analyzed phenomenon.

The current anthropocentric approach adopted in the humanities and social studies has brought about deeper awareness of the key role of human needs in many human-related spheres, their manifestation in individual products, reflection in cultural heritage, language, mentality, patterns of behavior and perception of the self and the world. Therefore, all those human-centered links, relations, and structures involved are bound to carry huge explanatory potential to be tapped through targeted research and duly applied in relevant fields. This study is carried out in the educational philosophy domain to contribute primarily to contemporary learner-centered approach in applied linguistics and language pedagogy. The aim of the study is to substantiate the concept of communication-and-action-oriented needs as a culture-specific characteristic of language identity paying greater attention to the idea of lawyer's communication-and-action-oriented needs and identifying the course's effectiveness for teaching future lawyers intercultural communication professional communication in colliding legal cultures based on the concept mentioned above. The study relies on the action-oriented approach to understanding needs, including the relationship between an individual's needs and the culture one is exposed to [1–7]; the action-oriented theory of acquiring social experience [3, 8] and its contemporary perspective – context-based learning [9, 10]; the concepts of legal culture [11, 12], language identity [13, 14], second language identity [15], and professional language identity [16].

Literature review

Contemporary researchers of communication acts, communication processes, and communication behavior no longer rely on the narrow understanding of the notion

of communication and tend to exceed its verbal limits. Communication is now viewed as part of a wider context, a way to satisfy a variety of needs that originate in psychological, social, cultural, and other domains. According to Yuri Karaulov [17], the verbal semantics level of language identity, also qualified as its zero level, confines the user of language to the *lexicon* of such identity, with frequent words, word combinations, and sentences employed as parts of typical collocations. The next, cognitive, level expands to embrace the *thesaurus* of language identity, with culture-specific concepts, recurrent notions, precedent phrases (sayings, proverbs), iconic texts, which reflect the values of the language-and-culture community. Using the units of the level shows a person's cultural belonging, their outlook, a matrix of perceiving the world around [14].

Professional language identity adds a whole new dimension to this level, namely profession-related thesaurus, with terminology fields, concepts, relevant theories, precedent texts, etc., which function as thesaurus units. They show a peculiar combination of both culture-specific and profession-related links and need the two perspectives to be equally engaged for their true perception by an individual. This is especially important for those professional domains that closely intertwine with culture and language, and, subsequently, presuppose double acculturation. Legal sphere is a classic example of this kind: its roots are deep in history, culture, social practices, people's mentality; it is communicative in nature, and language is one of its major tools.

Being aware of the fact contributes a lot to our understanding of communication processes, but, unfortunately, this does not give a practicable key to choosing reliable criteria for selecting the content of teaching intercultural professional communication to non-linguistics (law) students, and doing so in efficient and economical ways. This makes it necessary to look closer at the next, pragmatics level of language identity, which integrates psychological and social aspects, thus making the structure of language identity more or less complete.

It is the units of *pragmaticon* – communication-and-action-oriented needs – that structure the entire system of language identity, outline an individual's thesaurus, and guide the choice of the corresponding lexicon. Therefore, a whole paradigm of social activity and communicative behavior is realized, including an individual's aims, motives, interests, intentionality, and values. Such needs cannot be deduced immediately from the units of the lower levels since this would require taking into account many additional (extralinguistic) facts from an individual's life, their socialization history, system of life priorities, belonging to different referent groups, etc. Thus, knowing the lexicon of an individual one cannot make inferences about their thesaurus; the same as knowing their thesaurus gives little ground for unambiguous conclusions about motives and goals as determiners of communication-and-action-oriented needs; whereas the opposite transition is quite reasonable as it provides steady profiles of such needs with relevant thesaurus and lexicon items [14].

This guiding strategy of selecting the content for developing professional language identity (proceeding from a particular communication-and-action-oriented need and sliding to the corresponding thesaurus and lexicon) proves very promising in teaching students professional intercultural communication but it has not been widely employed in such educational settings so far [17]. For the strategy to be implemented into practice, the underlying notion should undergo the process of due conceptualization and be categorized.

We believe the unique potential of the approach is associated with modeling a second language and culture identity (professional language identity included) in non-authentic language and culture contexts (plus profession simulation in educational settings), where a learner has to rely on language pedagogy tools. In this respect, the concept of communication-and-action-oriented needs shifts to the focus of our attention, which in the first place, presupposes specifying the collective learner – a large group (community) of students majoring in a particular field of study, as a system forming social distinguisher.

Conceptualizing lawyer's communication-and-action-oriented needs

In categorizing communication-and-action-oriented needs, and lawyer's communication-and-action-oriented needs in particular, the first point to clarify is the generic concept – that of *needs*. It has been a topical issue since classical times, and it has been looked at from diverse perspectives. Due to its importance in different periods of human civilization, it fell into the focus of research carried out by philosophers, psychologists, representatives of many other fields of expertise.

Ancient philosophers (Heraclitus, Democritus, Xenophon, Aristotle, Plato, Epicurus) were among the first to consider the phenomenon of human needs and even attempted to classify them. Needs were then seen as a lack of something in personal demand; the driving force of activity aimed at compensating for the deficiency. Therefore, Democritus qualified them as a true source of human activity [18]. Epicurus, who outlined a specific hierarchy of pleasures, linked needs to the idea of pain (thus, e.g., removing the pain of hunger results in genuine pleasure). According to Epicurus, there are three groups of needs to be distinguished: natural and necessary, natural but unnecessary, and, finally, unnatural and unnecessary [19].

Medieval scholars did not disregard the phenomenon of needs either but linked them to divine providence, thus widening the gap between the spiritual and the material worlds (Augustine of Hippo, Thomas Aquinas). The Renaissance times saw the revival of interest in natural human needs and desires. In the Enlightenment period (18th century), an individual was treated as a human being capable of exploring the world and striving for knowledge. In that context, Baron Paul Henri Thiry D'Holbach differentiated between two groups of needs: basic equal needs (for food, clothing, housing, family, etc.) and imaginary needs (for something more refined than the already satisfied basics) [20]. Georg Wilhelm Friedrich Hegel focused on the life and needs of the Spirit, and contrasted moral and immoral aspirations. In his opinion, the needs of the

Spirit may guide and shape the entire civilization development [21].

The 20th century witnessed large scale social experiments and a new social reality, with specific attributes and constructs that were reflected in human needs theories. The Russian philosophers and psychologists of the 1960s–1980s made a considerable contribution in this respect. They both analyzed the nature and characteristics of various human needs and studied action-and-need correlation in human activity [7, 22]. Need was qualified as the driving force of a person's social activity aimed at creating a reality to act and satisfy their growing needs in, with the dialectics of the factors being the mechanism for needs evolving. Engaged in these processes, an acting individual also develops as a personality, which makes such a person an integral part of social dialectics [23]. Andrei Zdravomyslov emphasizes the dual way links of such a system, with needs being at its core [7]. Elaborating on those ideas, Aleksei Myalkin (1983) emphasized that satisfying needs is essentially acquiring the results obtained in the form of objects in the course of activity aimed at satisfying needs [24]. Aleksandr Loshchilin and Elena Tikhomirova confirmed the conclusion saying that real needs are only satisfied in the consumption of such products when there is a product to consume. A need forces an individual to act to transform an object, or result, of activity into a product of their consumption [5].

Aleksei Leontiev connected human needs to the *culture* a person is exposed to [3]. It shapes needs to a great extent and guides their development, thus forming an individual as a personality and a representative of that culture. In this respect, the subsequent conclusion that a need should be characterized through the forms of activity in which it unfolds, not through objects it results in, seems only natural. According to Dmitry Leontiev, a need should be conceived as a sort of *relationship between the actor (the subject) and the world of reality* [4].

The author links needs to *behavior programs* through which an individual operates [25]. He believes that needs have a three-part structure, and distinguishes need-object, need-state, and need-property. Needs are inherent in personality and become motives of human activity when one becomes aware of them. Since needs are satisfied in activity, they both affect a person's capabilities and are affected by them, which shows the dialectics of needs and abilities in personal development [26].

Foreign researchers of the 20th and 21st centuries focus on the socio-economic, socio-psychological, axiological aspects of the problem of needs [27–32]. In the context discussed, we find it interesting to revisit Maslow's hierarchy of needs [6], with self-actualization at the top, as it is comprehensive and shows the evolution of human needs that reflect a *personality in development*. It embraces a wide range of factors, social, cultural, and psychological aspects included, which also testifies to the effect that a need is a multi-facet structure with a variety of systemic links.

Research

The paper analyzes the concept of communication-and-action-oriented needs as a culture-specific characteristic of language identity, with focus on its derivative – the concept of lawyer's communication-and-action-oriented needs. Once explicated, such needs are expected to provide steady basis for modeling original content for teaching young lawyers to communicate with their counterparts from other legal cultures that tend to collide due to underlying differences.

The following research questions guided the study:

(1) What is the ground for distinguishing communication-and-action-oriented needs as a culture-specific phenomenon?

(2) What is the basis for conceptualizing lawyer's communication-and-action-oriented needs?

(3) What makes lawyer's communication-and-action-oriented needs a culture-specific characteristic worthy of consideration in educational contexts?

(4) Is the course based on the idea of lawyer's communication-and-action-oriented needs effective?

Research methodology

The research methods included analysis and synthesis of research data obtained by the authors and other investigators of the problems concerned, integrated linguocultural, linguocognitive, and discourse analysis of legal practices (including legal education discourse) to establish lawyer's communication-and-action-oriented needs, with further intercultural comparison and language pedagogy assessment of the investigation results.

The authors of the study employed both a descriptive research design and an explanatory research design. The former relied on the retrospective approach, which resulted in sorting out various philosophy perspectives, focusing on relevant aspects, as well as gathering, analyzing, and presenting data concerning the object of research. The latter design provided a deeper understanding of the existing theories of needs, their explication, and re-evaluation.

Also, an experimental research design was used to find out how successful the course results were. Thirty-two students had been tested before they started the course, and the same students were tested after taking the course. Collecting data included tests. The average scores showed that the students achieved better results after completing the course. We used correlation analysis to assess the correlation between the students' achievements before and after completing the course.

Results and discussion

The analysis of different approaches to the conceptualization of *human needs* leads us to infer those needs are attributive to a person, their activity, its objects, results, and products obtained; the actual social network a person is part of, and their cultural background. If so, needs are sure to possess unique descriptive potential that proves to combine both constant and variable features. As a product of acculturation, a person is likely to have needs typical of the corresponding *cultural community as an entity* and characteristic of that entity. Such objectivized needs can be treated as a constant since changes in culture are relatively slow and, compared to the natural lifespan of a human being, normally take a long period of time. Human needs also have *social links*, among the steadiest of them

being those connected with and developed in professional communities and their institutional cultures (professional concepts, values, profession-related motives of behavior, stereotypes, expected behavior programs, etc.), which makes them a second constant in a person's hierarchy of needs. They are especially important in those professions and spheres that, like law, originate in national cultures and have deep historical roots.

Lawyer's professional needs are always realized through actual legal practices that are only existent and meaningful in the given cultural, social, legal settings and therefore cannot but bare all its basic sociocultural determiners. Thus, obtaining efficient legal techniques conducive to the expected outcome becomes the substance of lawyer's professional needs as long as the techniques provide due results and relevant products to satisfy those needs. Shifting legal contexts demand adequate adaptation of a lawyer's kit, but major tools last and are handed over as they originate in centuries of people' experience. The dialectics is the driving force in shaping the actual legal reality, which still remains anchored to the deep cultural foundation of the society in question. Cultural and sociocultural aspects of those links intertwine to form a matrix of a lawyer's expected responses to arising problem situations to be dealt with professionally. In this context, there is one more point to emphasize to make the tools-and-needs dialectics more explicit, that is the role of language as an objectivized treasury of legal senses.

As we know, language is an inalienable part of culture, which implies that a person's culture-related needs also have meaningful language representations (e.g., terms that shape culture specific frames of reference, including values, norms and patterns of behavior, scenarios, etc.) as part of the corresponding language identity. In law, the role of language is overwhelming. It is language that preserves legal senses and makes them explicit in legal communication techniques. Thus, legal techniques are essentially communication techniques and they cannot be realized otherwise. In this respect, it is only natural that we see investigators' growing interest in legal discourse analysis [33–35] as well as linguo-cultural research [36], which makes it possible to distinguish constants and variables in lawyers' professional communication, interaction, as well as perception of contemporary legal reality and its actors.

The analysis leads us to infer that lawyer's professional needs, along with their cultural and sociocultural determination, necessarily have lingual representation, which opens a variety of opportunities for research and further practical implementation in relevant fields. Before elaborating on the content of such needs, let us define the notion in question. *Lawyer's communication-and-action-oriented needs* can be conceived as a steady relationship between a legal actor (the subject of legal activity) and the legal reality they act in, which is determined by a multitude of professionally relevant factors (cultural, sociocultural, lingual) and provides predictable responses to arising problem situations, where a culture specific repertoire of legal communication techniques is used.

Lawyer's communication-and-action-oriented needs as a culture-specific characteristic worthy of consideration in educational contexts

Despite the considerable research potential and practical outcome that the investigation of lawyer's communication-and-action-oriented needs may have, the problem has not received sufficient attention so far. Investigators tend to tear apart communication and activity, focusing on individual aspects and components, which hinders proper implementation of theoretical constructs in educational settings.

Since we seek language pedagogy solutions in intercultural legal contexts, let us address those works that attempt to look at the problem systemically and with language pedagogy relevance. One of such attempts was made by Nataliia Khomyakova, who studied ways of teaching Russian lawyers intercultural legal communication, and analyzed legal reasoning as a professional instrument of French lawyers [9]. Doing so, she distinguished such legal communication techniques as legal argumentation, provision of legal proof, legal commentary, and legal interpretation.

The above techniques are no doubt important in legal settings and should be studied by law students but, in our opinion, they describe merely the universal kit used by lawyers in a multitude of legal cultures and social settings. Knowing the universal is, of course, a good basis to rely on in intercultural legal communication, but it is of little help in situations of colliding legal cultures, where you need to be aware of potential traps and pitfalls. Such obstacles demand special attention and bearing in mind by interacting parties that proceed from different legal cultures as conflicts result from differences, not similarities. To detect such problematic zones, we addressed the pragmaticon of professional legal language identity.

In the course of a special study on the basis of integrated research methods, the following techniques were proved to be indicators of the actual communication-and-action-oriented needs typical of an Anglo-Saxon lawyer:

– legal proof in the pragmatics of playing by the rules,
– legal argumentation on the basis of judicial precedent,
– legal argumentation on the basis of a precedent text,
– legal argumentation proceeding from reasonableness,
– legal argumentation in the rhetoric of highly likely,
– legal interpretation as a method of establishing differences,
– legal commentary as an equivalent of legal writing [17].

Further analyzing and comparing lawyer's communication-and-action-oriented needs in different (in this case, Anglo-Saxon and Russian) legal cultures provide sufficient and actual material to make a model of the target professional legal language identity/identities to be mastered by students in guided learning. Proceeding from such needs (from the pragmaticon) it is possible to single out relevant thesaurus and lexicon, thus concentrating on basic legal culture-and-language priorities and saving professors and young lawyers their time and effort in studying intercultural foreign language legal communica-

tion. This strategy made it possible to complement the universal with meaningful legal culture variations, oppositions, lacunae, etc. that are collision-genic.

Implementation

At Stage 1, we determined the initial level of training to understand students' readiness to solve the problems of intercultural professional communication in the context of a collision of legal cultures. Students were asked to independently collect, study, and analyze material on the current situation that has developed since the end of 2016 on the Russian Federation's diplomatic property in the USA and to make an expert forecast on the prospects for its development.

The students were asked to:

− list the techniques of legal proof that are relevant for the case under consideration, frequently applied in the legal cultures of the United States and the Russian Federation and comment on the case of the diplomatic property of the Russian Federation in the United States;

− cite keywords that are relevant for the case and that could act as national and cultural determinants of the professional legal activity;

− define in general terms the specifics of the concepts of property, identifying the critical direction of differences in the respective legal cultures;

− assess the legal prospects for resolving the conflict situation arising with the diplomatic property of the Russian Federation in the United States, proposing a reasoned legal solution.

In the context of the tasks assigned to the students, we assessed such results as unsatisfactory as most students (80%) listed the most common legal proof techniques typical for the legal cultures. Still, the students were not ready to provide substantive comments or a complete comparison (75%). The results were measured out of 100% that corresponded to the overall number of students − 32. Such results demonstrate a lack of the ability to analyze legal practices within the intercultural framework at the expert level.

Stage 2 followed the initial stage and lasted two semesters that included five thematic modules.

The concept of the course is to help students understand that lawyers representing various legal cultures could have some discrepancies that might lead to collisions and to prepare future lawyers for successful intercultural professional communication. The students studied five topics revealing critical concepts of the Anglo-Saxon legal cultures: Legal Education and Legal Profession, Equity and Equality, Fairness and Justice, Reasonableness, Sovereignty. Each module included 4 blocks:

Block 1 – Analyzing and contouring the problem field. The tasks aimed at activating professional thesaurus and establishing perspectives for reviewing the problem field from the standpoint of different legal cultures, a prior understanding of this area. As a lead-in, the students are asked several questions, for instance: Is the concept of equity entrenched in international law? Does equitable mean the same as just and fair? Are these notions different? How do these terms operate in the legal context?

When do we meet these three opposites in our life? Are they frequent?

Block 2 – "Plunging" in the problem field. The tasks related to reading the text on a problematic issue (extracting explicit and implicit further comprehension of the matter). The students are introduced to legal concepts (equity/equality, justice/fairness) and asked to compare them in the framework of different legal cultures.

Block 3 – "Getting in touch with the professional discourse": "Reinforcement" of the results of the previous stages of work by linguo-cognitive analysis of a foreign language professional legal discourse according to the parameters from Block 2. This block aims to teach students to act professionally, so the chosen tasks simulate situations that lawyers face in their everyday activities [37]. Such situations included drafting contracts, researching and gathering information, analyzing the cases with predicting probable outcomes, interpreting laws and applying them to the cases under discussion etc.

Block 4 – "Researching the potential of communicative opportunities in the problem field." The students compare to determine conflict zones of communication between representatives of "contacting" legal cultures, predict opportunities for constructive intercultural dialogue in the professional field [38].

At Stage 3, we evaluated the students' results by asking them to write an analytical paper. The students were asked to analyze the case of the poisoning of Sergei and Yulia Skripal from the legal point of view and to assess the legal prospects for resolving the conflict situation. The results showed a significant increase in the students' analytical as well as subject-based skills. 90% of the students specified the key concepts of the case, 95% of the students proposed a reasoned legal solution and listed at least three legal prospects for the issue under consideration.

Conclusions

This article's significance lies in the attempt to specify the importance of the concept of lawyers' communication-and-action-oriented needs for teaching ESP. Considering lawyers' communication-and-action-oriented needs as a starting point for teaching lawyers intercultural professional communication at the tertiary level contributes to the knowledge of professional discursive practices of Anglo-Saxon lawyers. Consequently, it provides a basic toolkit for modern lawyers that is likely to facilitate communication between lawyers who represent various legal cultures.

The concept of lawyer's communication-and-action-oriented needs as a culture-specific characteristic of legal language identity contributes to new educational philosophy that underlies a learner's cognitive processes in mastering the intercultural dimension of their profession. It relies on the method of dialectics as well as interdisciplinary research methodology that integrates psychology, linguistics (cognitive, discourse and linguocultural analyses), major subjects, and language pedagogy perspectives. The approach has been implemented into the educational process of the Institute of International Law and Justice, Moscow State Linguistic University, and has shown good results.

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Информация об авторах:
Яроцкая Л.В. – д-р пед. наук, зав. кафедрой психологии и педагогической антропологии Московского государственного лингвистического университета (Москва, Россия). E-mail: lvyar@yandex.ru
ORCID: 0000-0001-6539-3085

Алейникова Д.В. – канд. пед. наук, доцент кафедры лингвистики и профессиональной коммуникации в области права Московского государственного лингвистического университета (Москва, Россия). E-mail: festabene@mail.ru
ORCID: 0000-0001-5397-7999

Information about the authors:
L.V. Yarotskaya, Dr. Sci. (Pedagogics), head of the Department of Psychology and Pedagogical Anthropology, Moscow State Linguistic University (Moscow, Russian Federation). E-mail: lvyar@yandex.ru
ORCID: 0000-0001-6539-3085
D.V. Aleynikova, Cand. Sci. (Pedagogics), associate professor, Department of Linguistics and Professional Communication in the Field of Law, Moscow State Linguistic University (Moscow, Russian Federation). E-mail: festabene@mail.ru
ORCID: 0000-0001-5397-7999