

# ОБГОВОРЮЄМО ПРОБЛЕМУ

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## LINGUISTICS, EDUCATION, LAW: PARADIGMS INTEGRATION

*The objective of the present article is to analyse active transformations in the system of scientific views and ideas in the areas of linguistics, education (including university education), and jurisprudence. Globalization inevitably leads to the formation of a new integrated approach whose goal is the synthesis of the paradigms of scientific knowledge. Respectfully, the category of the paradigm of modern jurisprudence should also include a provision on the unity of concepts and categories in the existing international state and legal sphere. Socio-political, legal and economic changes taking place in Europe put the new function and the linguistic characteristics of the English language in the focus of linguistic studies as far as the new sociolinguistic environment is created by the European Community. The abovementioned factors lead to a revision of the paradigm of EFL teaching, particularly teaching those students earning their Law degree in universities of Ukraine. Since Ukraine is taking gradual steps to join the European Higher Education Area by means of European Credit Transfer System implementing, the authors of the article focus on some aspects which are relevant for figuring out renewed concept of foreign language acquisition of law students. This reflects not only current transformation in teaching ESP and law students training but ensures certain degree of flexibility for introducing potential innovations in this field according to synergetic and acmeological principles.*

**Keywords:** education paradigm, EFL teaching, legal paradigm, recipient, linguistic constituent.

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## ЛІНГВІСТИКА, ОСВІТА, ПРАВО: ІНТЕГРАЦІЯ ПАРАДИГМ

*Проаналізовано сучасні перетворення в системі наукових поглядів у лінгвістиці, освіті (враховуючи університетську) і юриспруденції. Стверджується, що процес глобалізації неминує веде до формування нового інтегрованого підходу, метою якого є синтез парадигм наукового знання. У освітній*

сфері спостерігається тенденція до трансформації ставлення до знань та процесу їх формування, який сприймається більше як духовний пошук, а не лише як отримання вмінь та навичок як складових професійної компетентності. Однак за наявності значної кількості провідних підходів, оновлених стратегій та принципів сучасної освіти, запропонованих освітянами різних країн сьогодні, експерти відзначають фрагментарний характер освітнього процесу у світовому масштабі і відсутність єдиної спільної освітньої парадигми, яка би відповідала умовам глобалізації. У зв'язку з цим зроблено спробу зібрати та проаналізувати ідеї щодо зміни освітньої парадигми на сучасному етапі розвитку наукової думки. Встановлено, що загальна тенденція до глобалізації та уніфікації спостерігається також у сфері права протягом останніх десятиріч. Правові системи нині існують у тісній взаємодії, тому сучасна парадигма юриспруденції повинна також включати положення про єдність понять і категорій в існуючій міжнародній державно-правовій сфері. Останнім часом на фоні соціально-політичних, правових та економічних змін, що відбуваються в Європі, функції та характеристики англійської мови перебувають у центрі уваги лінгвістичних досліджень, оскільки Європейським співтовариством створюється нове соціолінгвістичне середовище. Відповідно підготовка майбутніх фахівців сфери права має базуватися на розумінні ролі правника як творця і трансформатора законодавства, в тому числі за допомогою лінгвістичних засобів. Вищезгадані фактори неминуче ведуть до перегляду парадигми навчання англійської мови як іноземної, особливо студентів-юристів. Оскільки Україна робить поступові кроки щодо вступу до європейського простору вищої освіти шляхом впровадження кредитно-трансферної системи, то звернено увагу на деякі аспекти стосовно визначення нової концепції навчання іноземної мови студентів-юристів. Відзначено, що сьогоднішні підходи до навчання цієї сфери знань не тільки не відображають сучасні тенденції в іноземній освіті, а й не забезпечують певного ступеня гнучкості для впровадження потенційних інновацій у вказаній сфері на основі синергетичних та акмеологічних принципів.

**Ключові слова:** парадигма освіти, англійська як іноземна, правова парадигма, реципієнт, лінгвістична складова.

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### ЛИНГВИСТИКА, ОБРАЗОВАНИЕ, ПРАВО: ИНТЕГРАЦИЯ ПАРАДИГМ

Проанализированы текущие преобразования в системе научных взглядов в лингвистике, образовании (включая университетское) и юриспруденции. Установлено, что процесс глобализации неизбежно ведет к формированию нового интегрированного подхода, целью которого является синтез парадигм научного знания. Следовательно, современная парадигма юриспруденции должна также включать положение о единстве понятий и категорий в существующей международной государственно-правовой сфере. Кроме того, в последнее время на фоне социально-политических, правовых и экономических изменений, происходящих в Европе, функции и характеристики английского языка находятся в центре внимания лингвистических исследований, поскольку новая социолингвистическая среда создается Европейским сообществом. Вышеупомянутые факторы неизбежно приводят к пересмотру парадигмы обучения английскому языку как иностранному, особенно, студентов-юристов. Поскольку Украина предпринимает постепенные шаги по вступлению в европейское пространство высшего образования посредством внедрения кредитно-трансферной системы, обращается внимание на некоторые аспекты, которые имеют отношение к определению новой концепции обучения иностранному языку студентов-юристов. Это обусловлено еще и тем, что сегодняшние подходы к обучению данной области знаний не только не отражают современные тенденции в иноязычном образовании, но и не обеспечивают определенную степень гибкости для внедрения потенциальных инноваций в этой сфере на основе синергетических и акмеологических принципов.

*Ключевые слова:* парадигма образования, английский как иностранный, правовая парадигма, реципиент, лингвистическая составляющая.

The problem of modern education paradigm development was stated at UNESCO World Conference on Higher Education held in Paris in October 1998. The conference declared that due to cultural, socio-economic and environmentally sustainable development of individuals, communities and nations higher education itself is confronted therefore with formidable challenges and must proceed to the most radical change and renewal it has ever been required to undertake. It stands to reason that UNESCO proclaimed the XXI century «Era of education» and highlighted the issue of global trends of higher education. This tendency is clearly perceived by Ukrainian educators especially in the transitional period of unprecedented reforms of higher education. Therefore, solid theoretical background is required for radical changes not only in the system itself but in the mind of academic staff of higher educational establishments to break the boundaries of the legacy of Soviet education system. Thus, the **objective** of the present article is to analyze active transformations in the system of scientific views and ideas in the areas of linguistics, education (including university education), and jurisprudence.

Current changes in the modern world are caused by a wide range of sociocultural, political and economical circumstances. Among the key factors one can mention the transition of the mankind to a new type of civilization which the scholars call «information society». The contemporary digital era is characterized by abundance of information leading to permanent information overload. Whereas in industrial society the process flow used to depend exclusively on factories and plants – in the contemporary one – these are the universities that produce the knowledge as a tremendous value of information society.

Furthermore, today's peculiarity of the worldview transformation is associated with the development of prerequisites for unprecedented wholesome synthesis of natural and human sciences. The essence of these phenomena is in the fact that scientific knowledge is gaining the mode of spiritual search rather than merely professional competence acquisition [6, p. 57].

The paradigm revolution in modern education area, which we witness today, provokes the process of arrangement and allocation of paradigm variety. But in this paper we will touch upon those which encompass the features relevant for the logic of our research.

Currently, humanistic paradigm of university education has replaced technocratic as well as professional and pragmatic ones [2; 17; 18; 21]. According to the humanistic paradigm main value of university education is human personality with his/her abilities and interests. Consequently, person-centered education gains the priority in education system modernization. There can be observed close interconnection between person-centered paradigm and the principles of innovative education [23; 20; 25] which implies not only information technologies orientation of education, but the formation of multidimensional cooperation and personal contacts; individualization of educational strategies; improving the efficiency of individual creativity; acmeological approach, optimization of course content; increasing the scope of self-study; flexibility of curricula; providing personalized learning based on individual intellectual qualities; syllabus flexibility [4: 184]. Among the principles mentioned, acmeological approach stands out as relatively new used by western European, Russian and Ukrainian scholars [8; 3]. It is viewed by B.A. Dushkov as the top of professionalism, steadiness of working outcomes, reliability with creativity, inspiration and individual style of operation as integral components [5, p. 215].

The change in knowledge transmitting is one of the aspects of learning paradigm developed by R. Bar as opposing to traditional instruction one. In undergraduate education it concerns exchanging roles of agents of the educational process [9: 20]. The responsibility for learning outcomes is totally transferred to students. Higher education establishments have to tune the students to studying, not just to provide knowledge as before. New paradigm included mainly creating an atmosphere of responsibility, an environment that encourages self-study, evaluation of knowledge at the beginning, middle and end of the course, individual work with each student.

In the context of modern education paradigm diversity it is worth mentioning an integral mode of education as an emerging field that draws broadly from an array of mainstream, alternative and transdisciplinary sources of knowledge. Basing on Integral Theory developed by Ken Wilber, an Integral Approach is designed to offer an effective means to combine the best of both conventional and alternative approaches in a particular form of Integral

Education. The Integral Model provides an effective template to design pedagogy, classroom activities, evaluations, courses and curriculum. It admits that any educational moment contains four irreducible dimensions: *educational behaviors*, *educational experiences*, *educational cultures* and *educational systems* [13, p. 13].

Having outlined just some variants of modern education paradigms within immense variety offered by researchers and educators, we arrive to the observation that the pluralism of paradigms precludes the emerging of single integrated one. As the consequence we can witness the fragmentary nature of education process on a global scale which causes the absence of common education policy corresponding to globalization tendency in greater part of East European countries and worldwide despite long-term movement for creation of common European Higher Education Area with substantial transformative steps already made. One of the solutions to this problem can be the application of synergetic approach in development of comprehensive integrated education paradigm [14, p. 159]. According to this, a new educational paradigm has to be unifying, anticipating integration of theoretical basis, practical scientific results as well as pedagogical paradigms and trends, since synergetics functions at such a level of knowledge where the whole number of scientific disciplines concerning very different spheres of reality are embraced.

So, in the epoch of dynamic education paradigm evolution, education system undergoes tremendous transformation and it is especially actual process for post-Soviet countries, particularly Ukraine which suffers at the same time from economic, national and political crises.

After signing the Bologna Declaration in 2005, Ukraine became part of the renewal process. However, numerous reforms and legislative attempts to modernize its higher education system did not result in deep changes, which often focus on structural reorganization without due attention to the quality and content [24, p. 42]. One of the negative outcomes of this process is lack of functional match between supply and demand of labour market which results in employability challenges for the graduates [18, p. 98]. Higher Education Law of Ukraine which was enacted on September 6, 2014 reflects the challenges and targets described in major documents of the Bologna Process [12]. One of the factors hindering the reforms and modernization is considered to be the lack of research based approach to the anticipated changes. Progressive and up-to-date claims and intentions do not work due to the absence of clearly defined outcomes and benchmarks, outlined procedures and mechanisms, renewed standards of professions, etc.

Academic staff of National University «Odessa Academy of Law» in close cooperation with employers, researchers and educators from diverse scientific fields is currently elaborating standards and requirements for law graduates. United States Agency for International Development (USAID) is assisting legal education in Ukraine and in 2015 presented draft of state standard for legal education at bachelor degree level, but heated discussion of this document is still in progress [11]. Much has already been done but more is on the way since the efficiency of principles and criteria offered can be objectively evaluated in long-term observation and analysis of graduates' employability.

In terms of foreign languages acquisition of law students, the need for immediate changes is obvious as the number of contact hours and ECTS credits is dramatically dwindling according to reformation conditions but, on the contrary, the required level of foreign language competence of graduates is rising (B2 – Bachelor's degree) as one of the basic qualities for academic mobility in European Higher Education Area. In the circumstance of this academic anomaly the Department of Foreign Languages №1 of the National University «Odessa Academy of Law» undertakes a mission of working out standards, requirements, set of competences and outcomes to form consistent curricular and course content for students earning their Law degrees able to integrate not only national but into global European labour market.

This complicated research work cannot be thoroughly done without considering modern law and linguistics paradigms correlation since today's education reform and evolution in line with specific demands of globalized information society brought us to integrated approach in elaborating comprehensive renewed concept of teaching ESP to law students. For the purpose of our research we understand 'integrated approach' as looking at the complex systems as a whole and seeing if the individual components fulfill the main objective of a system in a manner which results in integration of many different functions and various disciplinary fields for optimum performance. This can greatly

contribute to deeper understanding of the role of a lawyer as an addressant of legal act by means of linguistic concepts which themselves can determinate the form of law and state paradigms.

The effectiveness of state and legal governance depends on interrelation of many factors, among which the legal paradigm occupies one of the leading places. The legal paradigm, mainstream at the moment, sets the direction of the legal development of any state. The study of changes in the basic meaning and verbal concepts of political situation is of interest to linguists, especially in terms of the use of certain verbal techniques to reflect the global political situation.

Addressing the evolution of documents connected with the life and functioning of a human society, is in line with the anthropological linguistics, which has become an important area of modern linguistics. In the present paper the linguistic constituents and means of verbal representation of the texts of the European judiciary are viewed through the prism of changes, in particular, of its legal paradigm.

Currently, the term «legal paradigm» has not been completely established in the legal science in the status of a full concept, so this area of specific scientific issues is characterized by the insufficient study. However, heuristic potential of this category is quite significant, and therefore the legal paradigm structure reflects not only the philosophical installation of legal thinking, dominant within a particular scientific community, but along with them the linguistic constituents are distinguished, enabling to trace the evolution of the paradigm of a state on the material of specific documents.

Various types of legal texts, such as the key materials of the judiciary in Europe, are considered in the context of the emergence of a large number of trends, developing in line with the anthropocentric activities in general, and anthropocentric linguistics in particular. Therefore, we attempt to analyze linguistic means of representation that explicit the changes in the legal paradigm, and are reflected in the decisions of the European judiciary. This fact predetermines the theoretical significance of the work, namely the involvement of the major decisions of the European judiciary in philological research in order to identify a more accurate picture of the implementation of linguistic resources in the legal documents and presenting a clearer picture of linguistic diversity in the implementation of shift in state legal paradigm. The practical significance of this research is in line with opportunities of studying the language means of the evolution of paradigmatic concept on the example of the resolutions relating to the issues of vital activity of Ukraine as a legal state.

The analysis of the language material implies, first of all, consideration of the linguistic and pragmatic characteristics, namely the study of illocutionary force of propositions contained in the documents, to be implemented through one or the other type of speech act according to its intentions. The basic taxonomy of speech acts that satisfies the objectives of this work is considered to be a typology proposed by J. Searle, according to which speech acts are divided into assertives (or representatives), commissives, declarations, expressives and directives [22, p. 18]. Perlocutionary effect of the studied materials is associated with the concept of «language of law», which stems from a comparison of a number of categories, namely: (a) «natural – artificial»; (b) reflective (with respect to the language) - conditional (with respect to the language); (c) «spontaneous and sensitive - rational and logical»; (d) «creative and dynamic – conservative and static»; (e) «continuous - discrete.» This aspect of the research allows determining the language of law as a specific legal language, which has conditional, man-made, rational and logical, conservative and static, discrete nature that operates in the directive communication stream that is within the scope of exercising legal activity.

Specific ontology of the legal language creates a special epistemological approach, associated with the implementation of a consistent view on the language through the prism of those laws that determine the involvement of specific linguistic phenomena into the legal practice, which in the context of the legal paradigm of Ukraine can be considered on the material of the law of Ukraine «On lustration», the law of Ukraine «On Prosecutor's Office», the law of Ukraine «On advocacy and legal practice», anti-corruption laws, the law of Ukraine «On the judicial system and the status of judges», the law of Ukraine «On enforcement of decisions and the application of the European Court of Human Rights practice».

In this connection, the study of linguistic constituents in the documents of the European Court of Human Rights, the Venice Commission and the European Court of Justice is carried out, namely in the sections relating to the administration of the activity of state and the legal system of Ukraine. As a subject of analysis we consider the grammatical, lexical, semantic and stylistic features of judicial texts of the mentioned institutions in the context of shift in the legal paradigm on the example of solutions and innovations related to the actual anthropocentric situation that occurs in Ukraine.

The results can be used in the courses on text linguistics, as well as in other special courses on theoretical grammar, stylistics, lexicology and the development of practical English courses for future lawyers (English for Specific Purposes: Law) in the higher educational institutions of Ukraine. In addition, the results can be further used in the development of the methods of pragmatic monitoring and to describe other types of legal texts, i.e. can be viewed from the standpoint of linguistic and pragmatics.

In this context, we think that one of the most important aspects which should be necessarily considered in creation of renewed concept of teaching ESP to law student is studying materials in constructing the concept of teaching which is especially true for teaching ESP to law students. It is impossible to teach legal English in isolation from the specific legal context, since there is a close connection between language and particular legal systems and their characteristics. It is essential to consider a wide range of theoretical issues, such as application of linguistic methods for understanding the nature of law and legal procedures, the role of a lawyer as an addressant of legal act by means of linguistic concepts which themselves can determinate the form of law and state paradigms.

One of the key criteria of efficient ESP materials is stated to be the ability to stimulate and support language instruction and their design and/or adaptation in ESP teaching practice. Since their objective is to expose learners to real language, as it is used in a range of professional and/or academic settings, they are to be closely related to students' target needs [15, p. 67]. Having analyzed the professional target needs of Ukrainian law student we came to conclusion that grater part of graduates use English mainly for denoting Ukrainian legal realia in the context of international legal documents.

In current practice of ESP (law) teaching textbooks by American publishing houses developed by G.D. Brown and S. Rice [10], A. Krois-Linder [16], are used along with Russian and Ukrainian adaptations by I.I. Borisenko [1], I.G. Fedotova and G.P. Tolstopiatenko [7]. Basically all the textbooks are developed on authentic texts concerning American and English legal system providing the students with extended bulk of cross-cultural information together with abundance of traditions and peculiarities of Continental law and its terminology. Despite all positive sides of these ESP materials they do not fully meet the professional target needs of Ukrainian law students, thus failing to create sufficient level of motivation within the process of foreign language acquisition.

After scrupulous analysis from linguistic and pedagogical perspective we selected documents of the European Court of Human Rights, the Venice Commission and the European Court of Justice mainly in the sections relating to the administration of the activity of state and the legal system of Ukraine as those which better meet professional target needs of law students containing extended terminology bank covering Ukrainian national legal realias, authentic text of different modality concerning actual current legal issues along with genuine European legal language. To date we are working at arranging selected materials in the textbook supplied with interactive on-line practice which is the part of the ESP course content designed for implementing renewed concept of teaching ESP to law students in the context of legal education reform in Ukraine.

The objective of the present article has been to analyze dynamic transformations in the system of scientific views and ideas in the areas of linguistics, education (including university education), and jurisprudence and form the theoretical basis for developing a new concept of teaching ESP in the framework of renewed standards of legal education in Ukraine in compliance with requirements for entering European Higher Education Area.

The presented overview of education paradigm diversity which has been lately observed in philosophic, pedagogical and psychological studies brought us to recognition of possibility for single integrated paradigm to emerge only under principles of synergetic approach that functions at such a level of knowledge where the whole number of scientific disciplines concerning very different spheres of reality are embraced. In other words interrelation of various paradigms can lay grounds for educational evolution of digital era and better understanding of future perspectives of higher education in the transitional period.

Performed analysis of the linguistic component or the concept «legal paradigm», provides a complete and comprehensive definition of the legal text as a type of text with the approval of textual status of the documents of the European judicial system in the context of shift in the legal paradigm in Ukraine. Besides, it offers important insight into the role of a lawyer as an addressant of legal act by means of linguistic concepts which themselves can determinate the form of law and state paradigms formulating laws, provisions, judicial decisions etc.

Abovementioned, as we assume, ensures the ground for evolution of significance of ESP teaching to law students that becomes an instrument for development of linguistic personality able to create new linguistic forms determining transformation of law and state paradigms.

This observation provides bases for suggesting reconsidered principles of teaching ESP to law students embracing a number of the following actual aspects. Firstly, teaching ESP to law students should be designed on the basis of profession discourse studies as we consider discourse competence the key component of intercultural communicative competence – the final goal of foreign language education today. Secondly, careful selection of efficient ESP materials meeting professional target needs of law students is the guarantee of creating appropriate studying motivation as well as actual range of terms vocabulary covering national legal realia. All the aspects studied in the paper form solid basis for further research in interdisciplinary field of law, linguistics and lingvo-didactics.

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