

THE RELEVANCE OF CLIL IN LAW

LAURA MARTÍNEZ ESCUDERO
Universidad de Zaragoza

1. INTRODUCTION

Over the last decades, the road to innovation has led to the creation of interdisciplinary and integrated educative networks. Innovation has often involved moving away from fragmentation and isolation –i.e. the teacher as an individual– towards integration –i.e. the teacher as a member of an educative community–. As a result of this large-scale change of paradigms in the education, teachers have adopted different innovative teaching proposals. One of these groundbreaking suggestions is that of Content and Language Integrated Learning. The history of CLIL began in 1994 when Europe adopted different policies “to help professionals explore the types of good practice and sometimes very significant outcomes being achieved where «language supportive» methodologies were used to learn both language and authentic content” (Marsh & Frigols 2007: 34). Rapid internationalization of professional and institutional life has been largely responsible for the present European effort to promote a CLIL education.

CLIL is primarily intended to serve a dual learning goal, that is, first, to teach a language which is not the learner’s mother tongue to non-linguistic subjects and, second, to do so with a view on competence in the target language and domain-specific content. As posited in the now classic definition by Marsh defines CLIL instruction in terms of those “situations where subjects, or parts of subjects, are taught through a foreign language with dual-focussed aims, namely the learning of content, and the simultaneous learning of a foreign language” (Marsh 1994). CLIL has emerged due to the necessity to create innovative methods that help teachers adapt good practices to the rapidly changing needs of their students.

This paper highlights the relevance of CLIL education in law. Traditionally, typical educational responses for the development of professional skills in legal schools tended to reflect a domain-specific perspective. Such a way to teach law advocated the view that legal education should be exclusively based on legal aspects or as Kane suggests (2008: 19) on “thinking like a professional”. In the last decades, the pressures of modern law practice have made legal educators rethink their educational methods. Law schools are redesigning the traditional way to teach law, hence adopting a more dynamic, integrated curriculum that includes skills training and hand-on experience. This is why CLIL education may help law educators respond to the new, changing and immediate demands of the professional world and the aims and pace of the world of education.

The study integrates CLIL (Marsh 1994, 2000), Discourse analysis (Bhatia 2004; 2008; 2010) and Ethnographic enquiries (Pan, Scollon and Scollon 2002) to give evidence of discourse-based inequalities. Findings not only serve to bring out the relevance of CLIL in professional settings, but also its usefulness to raise legal educators’ awareness on professional discourse.

2. CLIL’S USEFULNESS

One of the fundamental principles of CLIL is that this initiative enhances target language exposure and the students’ language competence. This content-based teaching gives priority to the content rather than to the lexico-grammatical, rhetoric-grammatical and discursive aspects of the English as a language system. CLIL learners are generally considered better language learners, as well as better content learners. According to Coyle (2007), a CLIL approach raises teachers’ and learners’ expectations, increases vocabulary learning skills and grammatical awareness, motivates students’ independence, improves L1 literacy, encourages linguistic spontaneity, develops study skills, generates positive attitudes and motivates students towards learning languages, as well as putting cultural awareness on the agenda. As a result of all of these, CLIL is believed to improve overall language competence in the target language. It increases the presence of the target language without increasing the students’ time commitment to regular instrumental foreign classes.

CLIL is becoming increasingly popular at all levels of education. In the case of higher education, for example, novice students turn into novice professionals through the acquisition of most of the basic principles of their professional culture, understood here as in Vico (Berlin 1976: 4) who suggests that culture needs to be understood from within its own reference frame and it advocates systematic and in-depth description of the behaviors, values, customs and beliefs of a particular culture. In this context, CLIL is particularly relevant because it endorses notions such as the *situational adaptability*, that is, ‘the optimum types of knowledge and skills that a person should possess in order to function as effectively in intra and intercultural encounters’ (Marsh 2009: 12) and *self-awareness* which refers to the process of gaining familiarity with the multidimensional nature of professional practices through the teaching and learning of a foreign language. Both approaches are in consonance with what Blanchard-Fields and Kalinauskas (2009) refer to as *adaptivity*. The notion of *adaptivity* implies a reconfiguration of mental schemata in order to adapt them to the changing conditions of the social and professional context. These considerations prove to be relevant as contemporary professional demands face the rapid move towards a knowledge society, the transitional labour market and the increasing internationalization and globalization of product markets and labour markets

Numerous debates on the effectiveness of CLIL reveal a gnawing concern and uncertainty about the successful teaching methods that are being suggested. Scholars (Pavón and Rubio 2009) have recently casted doubt on the real impact of the adoption of a new curriculum, which integrates linguistic and non-linguistic material, as well as on the linguistic and methodological needs that come with CLIL’s introduction. Especially in language teaching, scholars should be critical with their own findings to ensure the validity and reliability of the investigation. Any integrated planning research design should be credible and adequate for research purposes as well as assess the degree of innovation it represents. Or as Pavón and Rubio put it:

Any changes to the educational system should be partly based on a detailed study of the variables that determine the effectiveness of the teaching methods that are being suggested. In the field of foreign language teaching, these variables are mainly related to the training of teachers, students’ individual characteristics, the orientation of teaching methodology, the type of curriculum chosen, the materials that are available and also importantly the context in which it occurs. (Pavón and Rubio 2010: 46)

3. CLIL IN PROFESSIONAL SETTINGS

In the last years, Europe has encouraged the adoption of content and language integrated learning in higher education teaching. Advocators suggest that this learning strategy develops the need to learn foreign languages and to communicate with people with different cultural backgrounds, hence responding to the demands of two fundamental environments: the wider society and the schools (Marsh and Frigols 2007: 33). Envisioned as having a social-impact potential, CLIL has become popular and its rapid propagation has often justified its perceived success. An important feature of CLIL-type programs is that they place both language and non-language on a continuum, without implying preference for one or the other. Linguistic and non-linguistic aspects have a joint curricular role by means of a variety of methods and this integrated approach has brought about considerable changes in general teaching. D'Angelo (2011), for example, suggests that one of these changes in educative practices include the lessening of the frontal teaching role and the encouragement of interactive group work. Wolff (1996) holds that CLIL is more likely to meet the potential for the more recent psychological and pedagogical knowledge than the traditional foreign language class due to a varied number of supporting reasons, summarized as follows:

- CLIL implies a superiority in contrast to traditional foreign language teaching because it is assumed that deep processing is guaranteed by the information processor when the respective item to be learned is interesting and motivating.
- CLIL creates better conditions for the introduction of and for working with learning and working techniques because the latter can be applied on authentic subject-matter of the content subject.
- The contents of CLIL are more diverse and complex, unlike traditional foreign language teaching

These ascribed benefits are interesting for higher education since they are in consonance with the assumption that growing complexity of the world has the potential of changing traditional teaching and learning principles. Social change has become a powerful determinant of our educational thinking and doing and we, therefore, need to have different epistemology and pedagogy for the institutions of higher learning. To

my mind, higher education should be this transition stage where expert students become novice professionals. Each particular profession requires the expert student to utilize a rather creative and novel approach to making formal knowledge contextual and domain-specific (Reid *et al.* 2011: 121). This assumption leads to suggest that for successful higher education, there must be certain creative freshness in the way knowledge is taught and learned. It must either be new in itself or it must be invested with some novelty of application to the new world or to the new times. In accordance to Chaudhari (2009: 4), “we are living in an epistemic and enquiring society wherein knowledge, meaning and truth are not given”. If knowledge, meaning and truth should be explored and constructed interactively, it should, therefore, be our first priority to transform a today’s university into a tomorrow’s “testing track” of competitive and dissenting ideas and it should be our first priority to make the professional preparation of college and university teachers much more effective and relevant to the demands of the changing times.

Looking at professional knowledge, the important notion here is to know what professional knowledge in context means. Following Reid *et al.* (2011: 121), I suggests that this type of knowledge implies that there are transferable, global ways of thinking about knowledge –the meta-knowledge, to which I define later– that reside alongside the more formally-acquired, disciplinary-based knowledge –domain-specific knowledge– and, unlike Reid *et al.*, can be expressed creatively –linguistic knowledge–. Meta-knowledge can be defined in terms of meta-cognitive processes –i.e. values, development, history, traditions, etc.– embedded in the profession. It gives expression to the usefulness of the discipline in the society and clarifies the very purpose of the profession. Disciplinary knowledge, in contrast, provides formal knowledge –i.e. conventions and procedures– in a domain-specific field. It gets students in the way of doing things in the discipline. Linguistic knowledge verbalizes formal knowledge and develops those linguistic tools necessary for fulfilling the communicative purposes of professionals. I realize these distinctions may seem somewhat artificial and occasionally blurred, but they are useful in the discussion of the transitioning stage from expert student to novice professional that higher education represents. Let me identify and clarify some of the factors I find particularly helpful in the discussion of CLIL in professional settings.

CLIL education serves to integrate meta-knowledge, disciplinary knowledge and linguistic knowledge in a unified paradigm of education. The integration of these three different types of knowledge gives students a positive advantage inasmuch as the process of teaching and learning sets a pattern of *adaptivity*. In other words, this evolving educational approach helps students reconfigure their mental schemata easily and decrease their vulnerability to always changing professional environments. In developing optimal adaptation strategies that ensure students viable, long-term win-win solutions for professional constraints, students will be better prepared to meet the requirements imposed by the changing conditions of the social and professional context. CLIL education plays a central role in the teaching and learning of content-obligatory language, content-compatible language and subject-specific language. In addition to it, it aims to improve production of the language of curricular subjects (Bentley 2010: 4). Well aware of CLIL potential, the European Commission for Education and Culture states that CLIL should “enable pupils to develop language skills which emphasize effective communication... *for real practical purposes*” (Eurydice Survey 2006, *my emphasis*).

In the next section, I would like to take up the discussion of a CLIL education in professional settings in the second sense, i.e. teaching and learning of disciplinary conventions within disciplinary domains. Before any elaborate discussion, I should say disciplinary boundaries between and across professions are not easy to draw. In whatever manner one defines professionalism, the boundaries drawn by domain-specificity are intrinsically fluid and dynamic. I would agree with Bhatia (2004: 58) that “it has little to do with the framework one uses, but more to do with the complex and dynamic variation of and constant development of generic forms used within and across disciplinary and professional cultures”. Let me take up now CLIL’s potential benefits in legal education.

4. CHANGE OF PARADIGMS

Much attention has been devoted in recent years to the question of internationalization in legal education and practice (Fine 2001; Sellers 2008; Fry, Ketteridge and Marshall 2009). While this attention has been salutary, there is no

common understanding of what is meant by internationalization. The need for a global legal education is of course premised on the increasing globalization of the law and practice of the law. While international law as a discipline has existed for many years, the globalization movement in legal education goes far beyond the traditional study of international law. Most of legal disciplines as we know it today have hastened an inevitable transition to the internationalization of their disciplinary practices. The underlying basis for the globalization of legal education is the recognition that lawyers in the 21st century more than ever before will need to represent multinational and foreign corporations, and to do so with an increasing number of foreign and international jurisdictions.

Yet, little attention has been given to the complementing non-legal methodologies required for such internationalization of law students. Legal professionals should start recognizing that professionals, students and university expectations are changing. Effective legal academics are expected to be not only researchers and purveyors of legal scholarship but familiar with educational theory and practice, and willing to bring the same critical and reflective attitudes to their teaching and their research. Students are not only expected to learn and put into practice disciplinary knowledge, but should also adapt rapidly to the changing times of international practices, and be capable to respond to the new ways in which the world has begun to operate. As Fine puts it:

In the most fundamental sense, globalization in legal education presumes that attorneys need to have a general understanding of the ways in which the other systems operate and to have the basic vocabulary to understand the issues their clients face, and the means by which to help resolve them. (Fine 2001: 330)

Universities are required to react swiftly to the changes and promote greater global integration. Professionals perceive this multidisciplinary university environment as the first step to ensure greater global justice. Sellers (2008: 5) suggests that the internationalization of law demands a zeal for justice and truth: “As the aims of law should be justice and the common good, so the aims of university should be truth and freedom of thought. These shared values animate the academic enterprise and should guide the study of law, as much as any other object of enquiry”.

5. FINAL REMARKS

The internationalization of legal education demands the substitution of the present systemic reproduction of traditional legal education. In fact, it has paved the way for the adoption of a multi-perspective and multidisciplinary curriculum. This new curriculum should be characterized by convergence and mutual recognition of disciplinary practices which are the nurturing values that help professionals, students and universities fulfill their rapidly changing expectations.

Future legal education should, thus, adopt a multidisciplinary perspective that includes meta-knowledge, domain-specific knowledge and linguistic knowledge. The combination of these three aspects, particularly domain-specific and linguistic knowledge seeks to effectively integrate the learning of formal disciplinary and non-linguistic content with the learning of a foreign language. It, thus, takes a holistic view of content and language learning, as occurring through integration of several contextualized building blocks: content, communication, cognition and culture, within the so-called 4Cs Framework (Coyle *et al.* 2010: 4), as well as the adaptation of curricula in accordance to professional development modules (Marsh *et al.* 2008). It also prevents the risk associated with the oversimplification of linguistic aspects on the part of legal professionals. A “general understanding of the ways the other system operates” does not satisfy internationalization requirements, nor should satisfy professionals, students and universities in their prospects for future legal education.

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