

Effective Techniques for Teaching About Other Cultures and Legal Systems

International Association of Law Schools

May 30, 2008

“Being There”

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There is nothing quite like **being there**.

In Guatemala, the American law students in the Campbell University summer program witnessed firsthand a guerrilla attack on an Army base in a remote mountain village. They assisted in the construction of widows’ huts and a two-room schoolhouse. They visited a medical mission clinic in the city dump. In addition, they explored Mayan ruins, spoke with a former president, conferred with practicing lawyers, listened to marimba bands, and took Spanish lessons. Guatemalan law students served as their hosts.

In Korea, our international students have walked the grounds of a Buddhist temple and worshipped in Korean churches. They have spoken with prosecutors, visited a prison, toured the Judicial Research and Training Institute, and observed students preparing for the Korean bar exam. They have gone to the Constitutional and Supreme Courts, heard from North Korean refugees, quizzed a multinational corporation’s inhouse counsel, and heard lectures on Korean history and economics. Besides Korea and the United States, the program’s participating law students came from Mongolia,

Kyrgyzstan, Uzbekistan, Albania, Scotland, Cameroon, Burundi, Pakistan, China, and Myanmar.

Studying, working, eating, hiking, and singing together on a daily basis for weeks – in another culture, with students and faculty from that culture and others – makes for a remarkably dynamic opportunity to learn about those cultures in general and their legal systems in particular. Of course, all of us in our international travels have experienced similar advantages personally. My six-month teaching stint in Slovenia enabled me not only to interact academically on a regular basis with students, faculty, and administrators from a different legal system, in an emerging democracy, but to learn that system by living in it, in all its unique sound and color. Few classrooms can simulate the lessons learned by engaging in real sales transactions for groceries in the city market, witnessing the exercise of assembly and speech freedoms in the city commons on New Year's Eve, crossing streets and observing the law enforcement activities of the police, applying lease terms to resolve lodging issues, and negotiating the twists and turns of a new bureaucracy.

Faculty and student exchanges are similarly beneficial. Obviously, however, teaching and studying “on location” are not always, or even often, feasible. But there are ways to come closer to the on-site experience.

Guest lectures by experts on the historical, religious, economic, familial, environmental, and political dimensions of a particular society – with generous opportunity for questions and answers – contribute mightily to an understanding of that society's culture and legal system. A **multi-disciplinary** approach is an essential acknowledgment of the complexity and nuance implicit in every legal system. For

example, one cannot approach full understanding of the laws and legal system of Korea – much less the Korean mindset and the forces of change in that nation – without knowing something of the 35-year Japanese occupation during the first half of the twentieth century, of the impetus for the economic progress of the last forty years, of Confucian tradition and its hold on private and public institutions, of the almost instinctive priority for reunification of the Korean peninsula, and of the generational differences in perspective on the American contribution. The laws of inheritance, the legal power of the chaebol, the decisions and role of the Constitutional Court, even the system of legal education itself – all of these derive from a **context** that for those from other places is not self evident.

To come closer to the “real world” experience, in a mixed class in International Businesses Transactions, I have also addressed **language barriers**, first by having students translate into English model arbitration clauses published in their native tongues. Other students then translate those English translations back into the native language. As one might guess, we end up with interesting differences from the original model clause – and the students learn something about the challenges and risks of operating transnationally in a different legal system in more than one language.

As for specific classroom techniques, the **Socratic method**, applied in “student-friendly” fashion, has in my experience been well received outside my American classrooms. Of course, an **internationally diverse student body** also lends itself well to a comparative approach on most any subject. And **small-group role playing** has been a fruitful mechanism for getting students to see how particular law is relevant to and might be applied in a transactional setting.

We are in the early stages of considering some kind of **video-conferenced classroom teaching** as a promising alternative mechanism for mixing students and faculty from law schools in different countries. The **Willem C. Vis International Commercial Moot Arbitration Competition** has already afforded our students analogous opportunities. Common law backgrounds are intentionally juxtaposed with civil law traditions in both the writing of the research memoranda and in the oral hearings against teams from other countries.

Communication is the predicate to the understanding that teaching has as its goal. That communication should be accurate and comprehensive. That is why **audiovisual technology and technique** – what the broadcast industry calls “actualities” – are so helpful in the teaching context. They help minimize the risk of misinterpretation and increase the depth and breadth of observation. The teacher’s message is less likely to be obscured by biases borne of his own tradition. Even so, if “a picture is worth a thousand words,” an in-country life experience – **being there** as the subject of the picture – is worth ten thousand, or maybe even a million.