

Effective Techniques for Teaching about Other Cultures and Legal Systems
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The techniques that should be used to teach about other cultures and legal systems vary depending on the location and if the teacher is (1) instructing students from a different culture and legal system (target) about the teacher's home culture and legal systems (source) or (2) instructing students from the same culture as the teacher (source) about other cultures and legal systems (target).

1. *Instructing Students from a Different Culture and Legal System*

Until the lions have historians, the tale of the hunt will always glorify the hunter.
African proverb

If the teaching occurs in the teacher's source location but the students include those from other locations, it is often assumed that the students must simply adapt to the methods and materials traditionally used when the teacher and students are all from the same source culture. Effective teaching, however, includes recognition of the presence of students who may not be familiar with the legal methods and systems being discussed. Arguably, these target students have chosen to immerse themselves in the source culture and have resources other than the law teacher to help them understand differences in their culture and the source culture. Thus, less pressure may be placed on the teacher to understand the students' culture. In such situations, the learning experience nevertheless can be enhanced if the teacher embraces some of the same techniques that are effective in a situation where the teacher's location is the target environment rather than the source environment.

When teaching in the target location, an attempt must be made by the teacher to understand the students' culture as well as their legal system and establish rapport with the culturally different students. The teacher should first identify similarities and differences between the teacher's source culture and legal system and that of the students. A lack of understanding of the values, behaviors, history and traditions of the students' experience will make it difficult to effectively communicate about a different experience. An understanding of the reasons behind the various practices adopted in the culture generally and the legal system specifically can be used to help explain the difference in the treatment of a legal issue in the target country and the source country. As there are increasing global connections between countries and therefore increasing international legal practices,¹ the motivation for the students to grasp the new material is strong. But this strong interest convergence in learning about the source law cannot be divorced from the culture of the students. The divergence of the familiar legal system from the one being taught should be more easily grasped.

¹ See generally Stephen C. Hicks, Global Alternatives in Legal Education for a Global Legal Profession, Suffolk University Law School, Parallax: A Journal of International Perspectives, Vol. 3, p. 47, 2006 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=981421.

When the teaching of the source legal knowledge is integrated with considerations of the target students' culture as in other disciplines, "Students [should be] encouraged to reflect upon how their cultural backgrounds affect what they say and when, and how and why they say it. [And the] speaker and listener must be sensitive to and willing to accommodate differences in each other's cultural background."² To develop a cultural understanding, the teacher must incorporate the teacher's knowledge and experience with the values, mores, beliefs, and traditions of cultures of the students.³ An understanding is needed of both nonverbal and verbal cues in the students' culture. But how does a law teacher acquire this cultural understanding in order to align legal instruction with students' culture. Of course, the teacher can invest significant time and energy in learning about the target culture. Another successful technique may be to teach the course as a comparative law course and co-teach with a law teacher from the target location. Teaching from a comparative analysis approach that includes cultural concepts can help the students understand why certain aspects of a legal system foreign to them may have developed in the way that it did. Co-teaching of courses, faculty exchanges and international student exchanges are methods being used at various law schools to accomplish this task.⁴ One such cooperative effort which demonstrated its effectiveness and was discussed at the IALS Conference in October 2007 involves Bucerius Law School, Germany; Monash Law School, Australia; University of Lund, Sweden; and Kenneth Wang School of Law, China. While this program seemed to rely heavily on a travel experience by the students, another effective technique relies upon technological advances. This method was demonstrated at the same conference by Nin Tomas, Faculty of Law, University of Auckland, New Zealand in connection with a course on aboriginal law. This course involves a mixture of the teaching of aboriginal law by each source teacher in New Zealand, Australia, the United States and Canada, but also benefits from the cultural understandings provided from the students in each of these locations who interact over live video feeds.

When trying to develop a course and be "effective," the teacher must keep in mind the target population and the limitations that may be encountered. This includes a consideration of the level of difficulty that can be mastered in the period of time allotted for the course. Even the title of the course may need to be deciphered. In addition, what works well for a group of students that come from a small homogenous population may not be as successful in a large heterogeneous student population which demands the understanding of several cultures and legal systems. Perhaps the most important tenet to remember is that the source teacher should not enter the teaching environment burdened with erroneous assumptions about the target student population. I had a related and humorous experience when teaching in another country. The class was taught in English and the students were from a number of different countries. I did not anticipate any

² An Instructor Guide for Teaching Business and Technical Communication to Native and Non-Native Speakers, Kathleen Vance, BCIT and Dale Fitzpatrick, British Columbia Institute of Technology p.7 <http://www.businesscommunication.org/conventions/Proceedings/2005/PDFs/04ABCEurope05.pdf>

³ Grant, C. & Sleeter, C. (2006). *Turning on learning: Five approaches for multicultural teaching plans for race, class, gender and disability* (4th ed). Hoboken, NJ: Wiley Jossey-Bass

⁴ See, e.g., Washington University School of Law launches unique Transnational Law Program <http://news-info.wustl.edu/news/page/normal/11101.html> and University of Nebraska College of Law's Space and Telecommunications LL.M (Master of Laws) <http://law.unl.edu/spacelaw>

problem with the students understanding the material. I did have some concern over whether I would be able to clearly understand the students' accents. After the first couple of days I became accustomed to the accents. At the end of the class while chatting with some of the students, we had a laugh when I realized for the first time that they had the same concern over accents that I did, only they were all wondering if they could understand my accent. They told me that after the first couple of days, they became accustomed to my accent. It had not occurred to me that I also had an accent they had to deal with.

2. *Instructing Students from the Same Culture about Other Cultures and Legal Systems*

The task here for the teacher is also to understand the law and legal system of both the target and source environments. But there is less of an effort needed to focus on the students' culture. Presumably there are some shared experiences. The greater task is presented in conveying information to the students about a legal system that perhaps neither the teacher nor the student population has experienced.

The need to understand the culture of the people that live with the legal system being explored is also important in this setting. If the course is being taught in conjunction with an international program, experience of other cultures may be built-in by providing "intensification of semesters abroad, joint programs, joint degrees, or summer school programs for students [and] distance learning."⁵ These experiences have become more attainable with the increasing ease of travel and technological advances.

When the legal system is being explored in a less intensive program, the teacher can also use relatively low cost low-tech means of technology to convey some cultural information. The teacher can use presentational software such as Microsoft PowerPoint to create visual depictions. Virtual tours of the country can be created along with various graphs and charts to compare the source country with the target country on such issues as economic trends, demographics, and trade balances.⁶ Maps, diagrams and charts may also be helpful in demonstrating the interrelationships between the target culture and its legal system on a global and regional level. For example, in a US law class on European Union law, the teacher might start out comparing the US legal system with that of Canada and then transition into a comparison between the Canadian legal system and the United Kingdom and finally transition to the EU. The use of popular film or documentary film can also enhance the learning about the culture of the target location. A more effective technique may be to provide short video clips within the PowerPoint presentation. These clips are becoming more readily available from news sources on the internet. The films and other videos can be quite helpful in providing background information on the culture of the legal system. Websites with links to information about the culture can also be created and made available to the students.

⁵ Hicks p. 3

⁶ See generally *The Use of PowerPoint in Teaching Comparative Politics*, Steven F. Jackson May 1997 http://technologysource.org/article/use_of_powerpoint_in_teaching_comparative_politics/

Although law has been traditionally taught in a highly textual format, presentation software can be used to make the learning of textual information more efficient as well. For example, when case studies are used to learn legal principles, visual depictions of the facts of the case as well as of legal principles can be quite elucidating and stimulate active engagement in the discussions of the why such factual situations may occur and how they are and should be handled in the legal system. Venn diagrams are particularly helpful to demonstrate the overlapping or contrasts and similarities of legal concepts.

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