

EFFECTIVE TECHNICS FOR TEACHING ABOUT OTHER CULTURES AND LEGAL SYSTEMS

COLOMBIA AS A GENUINE CULTURE TO TEACH LAW

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Universal history has shown that education was, is and will be the most important instrument for the development of individuals and society, but techniques make no sense if culture is set aside. Colombia's history has not been the exception, specially when for the past two hundred years of independent history many variables have affected the development of our legal system. This has made teaching difficult even in the most trivial topics of law.

Since august 7th 1819 our country was immediately divided in two political parties (federalists and centralists), this made the intellectuals and legal practitioners develop many different conceptions of our legal culture. The influence of Roman and French law has been the basic scheme for the universities to teach law. Codification origins have ruled judges, politicians, teachers, and all those involved with this career. This puts us on the traditional occidental view of how to teach and use techniques to assemble curriculums and programs in Colombia. For this reason we do not differ from most Latin American and European legal structures. The real important factors to analyze and to take in to account are the individual political, cultural and social circumstances of each country and their impact on the legal mind scheme of students.

Given the complexity of Colombia's history and problems, it's a particular and very genuine case of study. In this manner teaching and developing proper legal programs, is not only a regular and basic issue. The real task of institutions and

professors is to do a sociological research of the environment where the future lawyers are going to work. This means that the proper ways to satisfy the needs of this individuals has to be an integral and interdisciplinary technique.

First of all, violence has been a determining variable that impregnated Colombian society and has distorted individual and community values. Ethics has become subjective case bringing a collapse in the moral interpretation of law. When students enter a law school their teachers have to be very careful as to what to include in their programs. Giving basic historical, moral and ethical subjects has to be an obligatory task. Today in our educational curriculums a student has to first reinforce his fundamental humanistic side rather than learn a basic topic of law. As said before violence and violent cultures affect directly the minds and the ideas of how law has to be practiced. Colombia has lived 40 years of continued guerrilla, paramilitary and drug traffic terrorism this has made people very insecure not only physically but mentally. Things like everyday killings, kidnappings, extortions and all other forms of criminal conducts, make people evaluate negatively law areas like fundamental rights, civil rights, government institutions etc. Also common grounds on essential coexistence between individuals have been lost, directly affecting educational institutions and all its community. For this reason the adaptation of curriculums have to tend to areas of knowledge such as philosophy, general culture, ethics and history during the first year at school.

The second important variable and circumstance that has had great impact on education has been corruption. For the past 3 decades politicians and public employees, in a very big percentage, have drained state budget, making Colombian society completely skeptical of institutions and all the governing law. Our actual constitution, made in 1991, was a product of a peace process between

a guerrilla group, and the two traditional political parties bringing one of the longest constitutions in the world (380 articles) and also one of the most confusing. Again law schools, in a great majority, have not prepared either teachers or students to adapt to these realities and specially to successfully resolve their professional day to day problems. Corruption has become an “institutionalized practice” making young lawyers vulnerable if they don’t have a strong ethical and moral background.

Having presented above two of the most significant problems of Colombian society and specially Colombian lawyers, solutions have to be presented. Teaching techniques have to start with very close interpersonal relationships between students, professors and directives. This means knowing personal backgrounds so that a proper assessment on how to handle each individual case, can be made. Then the programs on each subject have evaluated with them (students and directives) in order to create responsibility towards the quality and the quantity. Consequently, classes become two way disciplines that enable students to participate and loose the fear to interact. Also, teachers have to procure to attend their problems in a manner that helps them prepare for real life. Using mechanisms and activities that reinforce teamwork, cooperation and human values, for example: workshops, extracurricular activities, models of real life institutions (U.N., Congress, Moot Courts, and Festivals), makes students feel identified not only with the class but with the university.

Another essential aspect is to instill discipline and responsibility from an ethical point a view. Fear cannot be a way in which professors manipulate pupils to do work or assist to class. When they are permitted to understand the importance of discipline and responsibility as a way to become better people their own self esteem raises, favoring integral education. For Colombian students universities become a second home and they want to feel safe spiritually and intellectually when interacting with the community.

This is why teaching techniques have to adapt to many variables, not only academic but historical, social and political. People and countries are a product of these variables and when it is successfully understood by them, societies have a tendency to change. Cultures have a direct impact on curriculums, programs and legal frameworks, in that sense if academic institutions absorb it as part of a way of life, helping students learn, becomes easier. Taking this into account, structures and techniques for the short and long term becomes adequate in the formation of integral pupils. After all, this has to be the fundamental goal pursued by law schools all over the world. Specific techniques make no sense if cultures are set aside.

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