

Effective Techniques for Teaching about Other Cultures and Legal Systems

Teaching Macrocomparison through Formal Debate

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This paper describes a teaching technique used during the fall semester of 2007 in a Comparative Law course held at the *Facultad Libre de Derecho de Monterrey* (Mexico). The teaching experience consisted in holding a formal debate among students on convergence and divergence of different legal traditions of today's world. Before analyzing the reasons why this teaching method was deemed effective by the debating students, the teacher and other faculty members (**Part II**), it is important to explain the context in which the experience took place (**Part I**).

I. Context

A. Comparative Law Course: It is mandatory for 4th year students (the Law program's duration is 4 ½ years). Total in-class time is 24 hours. Course prerequisites are: Basic French, Introduction to French Law, Legal English and Introduction to Common Law.

B. Students: The group (12 to 24 students) is highly homogeneous. The student's average age is 20. Most students are born and have always lived in Mexico. Their contact with foreign cultures is usually limited to summer travel in North America and Europe, as well as exposure to mass media. Most students are able to speak and read Spanish and English; some may read French. Comparative Law students simultaneously take other very demanding courses, which makes them hard to keep track of assigned readings.

C. Course Objectives: Knowledge objectives include: 1) knowing, 2) comprehending, 3) using, 4) contrasting and 5) evaluating, the fundamentals of the major legal traditions. **Skills objectives** include: 1) locating, analyzing and

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synthesizing foreign law, 2) the ability to use critical and creative thinking, 3) the ability to communicate effectively (e.g. reading, writing, speaking, actively listening, interviewing effectively), and 4) the ability to argue and influence people. **Social learning objectives** include: 1) developing relationships and 2) the ability to participate effectively in groups. **Attitudinal objectives** include: 1) the ability to “see through the eyes of others”, and 2) respect, acceptance and appreciation of the rich diversity of legal traditions.

D. Course Content: Since no comparison is possible without previously identifying the fundamentals of the major legal traditions, the course focuses on macrocomparison. It starts with an introductory discussion on different conceptions of law and the role it plays in various societies. Then the course explores the basic institutions, procedures and rules of the Civil Law Tradition, the Common Law Tradition, Socialist Law, Chinese Law, Japanese Law, the Islamic Legal Tradition and the Hindu Legal Tradition.

E. Teaching Techniques: Multiple methods of instruction are combined to accommodate different learning styles and to reach different levels of knowledge. Traditional lectures are combined with short summarization lectures, class discussions, student presentations, in-class writing assignments and guest speakers. For example, a reading on English Common Law (e.g. Zweiger & Kötz' Introduction to Comparative Law) (guiding students towards the knowledge and comprehension levels) may be combined with a class discussion on that topic (i.e. analysis level of knowledge), a short summarization lecture (i.e. synthesis level of knowledge), homework exercises (e.g. CALI ® lessons on US Legal Concepts and Skills) (i.e. application level) and another class discussion (e.g. on how Common Law concepts compare to Civil Law concepts) (i.e. evaluation level of knowledge).

F. Assessment & Evaluation: The purpose of assessment and evaluation is not only to give fair grades, but more importantly to facilitate student learning. Evaluation may be used as a teaching tool and it should always be a relatively pleasant experience for the students, that engenders in them a wish to learn more.

G. Course Materials: Materials include basic and advanced texts, written in different languages, by classic and contemporary authors, with different legal and cultural backgrounds (e.g. Berman, Chow, David, Feinman, Glendon et al, Glenn, Husa, Markesinis, Mattei, Menski, Merryman, Pegoraro & Rinella, Reimann & Zimmermann, Rodière, Schlesinger et al, von Mehren & Murray, Zweigert & Kötz). Electronic materials are also used (e.g. CALI® lessons and the teacher's blog).

II. Teaching Macrocomparison through Formal Debate

In the light of that context, a formal debate was perceived by students, the teacher and other faculty members, as an effective teaching tool.

A. The Logistics of Setting up the Debate:

1. The teacher's intervention was intentionally limited, in order to promote students' creative thinking and participation. The teacher's only request was to videotape the debate for analysis and review by future Law students. Naturally, the teacher was always available for guidance.
2. To create a healthy participatory environment, students were free to participate in the debate (they could, instead, submit a final research paper).
3. Students agreed to create 3 teams. Team 1 -composed of 4 students- was in charge of organizing the debate, controlling it and evaluating the arguments, questions, answers and conclusions of the debating teams.
4. On the proposal of Team 1, debaters were free to join any debating team (Teams 2 and 3 were composed of 6 students each).
5. On the proposal of Team 1, teams agreed on a debate topic and date.
6. On the proposal of Team 1, Team 2 agreed to argue on the convergence of legal traditions, while Team 3 agreed to argue on their divergence.
7. On the proposal of Team 1, teams agreed on the rules of procedure:

	Introduction	Team 1	welcome remarks	
1	Position presentation	Team 2	position presentation	20 minutes
		Team 3	position presentation	20 minutes
	Work period	Team 2	formulates 6 questions to Team 3, in writing	05 minutes
		Team 3	formulates 6 questions to Team 2, in writing	
		Team 1	selects 3 questions to be directed to Team 2	05 minutes
		Team 1	selects 3 questions to be directed to Team 3	
2	Q&A (1)	Team 2	answers the questions	10 minutes
		Team 3	answers the questions	10 minutes
	Work period	Team 1	formulates 3 questions to Team 2, in writing	10 minutes
			formulates 3 questions to Team 3, in writing	
3	Q&A (2)	Team 2	answers the questions	10 minutes
		Team 3	answers the questions	10 minutes
	Work period	Team 2	derives conclusions	05 minutes
		Team 3	derives conclusions	
4	Position summary	Team 2	position summary	10 minutes
		Team 3	position summary	10 minutes
	Work period	Team 1	deliberates in private	15 minutes
5	Evaluation	Team 1	selects the most convincing team and evaluates teams' participation	05 minutes
				225 minutes

8. Students agreed to allow other students and faculty to witness the debate.
9. Students agreed to be evaluated by their peers as well as by their teacher.
10. On the proposal of Team 1, debating teams agreed to be evaluated on the following criteria:

Professional attire	10 points
Persuasive argumentation	20 points
Debate participation (at least, one intervention by each team member)	20 points
Teamwork	20 points
Observance of timing regulations	10 points
Punctuality	10 points
No interruptions	10 points

11. On the proposal of Team 1, debating teams agreed to evaluate Team 1 on the following criteria:

Professional attire	20 points
Debate organization	20 points
Questions posed	20 points
Control of the proceedings	20 points
Argumentation (winner selection and evaluation)	20 points

B. Debate Results:

Knowledge

- All students –debaters and judges- had to be thoroughly familiar with the debate topic, reaching higher levels of knowledge;

Skills

- The students had to do their own research on the world's legal traditions, including issues not necessarily covered by course materials;

- The students tested their ability to use critical thinking in analyzing those issues;
- The students had to synthesize everything they had learned;
- To some extent, the students tested their ability to write effectively;
- The students tested their ability to speak effectively in front of their peers;
- The students tested their ability to express opinions and argue;

Social learning

- The students tested their ability to participate effectively in groups;

Attitudes

- The students showed mutual respect for each other;
- The students tested their tolerance towards members of their own team and the opposing team;
- The students showed respect, acceptance and appreciation of the rich diversity of legal traditions;

Learning, Assessment & Evaluation

- The students discovered and solved problems by themselves and arrived to their own version of the truth (heuristic teaching method);
- The students played an active role before and during the process;
- The students' freedom and autonomy resulted in motivation and feeling of inclusion;
- The students generated their own learning experience and learning environment;
- The students used creative thinking in shaping the debate structure;
- The students learned by teaching others;
- The debate allowed to link assessment and evaluation, on the one hand, and learning tools, on the other;
- The students came in contact with a combination of peer-evaluation and hetero-evaluation;
- Overall, students perceived a pleasant learning experience.