

Effective Techniques for Teaching about other Cultures and Legal Systems

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1. Introduction

As professor of Human Rights at the Catholic University of São Paulo, the purpose of my discipline has been the study of global and regional human rights protection systems, focusing on normative and jurisprudential aspects from a critical and questioning perspective that includes historical, political, social and cultural aspects. Special emphasis is given to the discussion of values associated with human rights. The vocation of the subject I teach involves, therefore, the comparative study of other cultures and legal systems. My students are legal professionals (lawyers, judges, human rights advocates, prosecutors) from Brazil and other Portuguese-speaking countries, including Mozambique, Angola and East Timor.

Having students adopt this international and comparative approach is a challenge in Brazil because the country's legal culture is still self-centred and self-referenced, and rooted in domestic legal notions. Few court decisions, for instance, enforce international human rights treaties, international jurisprudence, or other nations' jurisprudence. Unlike what is seen in Western Europe today, where the contemporary mark is of horizontal and vertical dialogue in the field of constitutional jurisdiction, leading local court decisions to be guided by decisions issued by courts of other countries or international courts – such as the European Human Rights Court – in Brazil only incipient efforts are made towards embracing International Law and Comparative Law.

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I will address here those techniques that I have found to be effective for teaching about other cultures and legal systems in my experience as human rights professor in this challenging environment.

2. Effective Techniques for teaching about other cultures and legal systems

I will highlight six teaching techniques that have proven effective in my experience teaching about other cultures and legal systems:

a) Lectures that encourage discussion and student participation

Key topics in the human rights agenda are introduced first with background reading materials from diverse sources and then with lectures, when students are encouraged to participate actively.

Applying the the Socratic method, the lectures focus more on questions than on answers, thereby engaging students and requiring them to play an active role in class.

It is important to always impact students with current facts and figures that can help them to have a better picture of, for instance, human rights violations in Brazil and in the world, aiming at switching from normative abstraction to concrete reality, considering that the normative text must be understood in the social context in which it is applied.

b) Seminars led by students

In the beginning of the course, different human rights topics (such as, for instance, racial discrimination, fight against torture, protection of children's rights, etc.) are assigned to students for them to prepare seminars. Students are also asked to identify three thought-provoking key issues related to their topic to be discussed in class.

c) Debate about controversial theses

During this activity, the class is divided into two groups, who must argue for opposite positions (e.g., ban on vs. right to wear the Islamic veil; ban on

women's genital mutilation vs. respect for this cultural practice; promotion vs. elimination of quotas for African-descendants in Universities).

The debates that ensue are always heated and are a great opportunity for an in-depth reflection on chosen topics from different vantage points. A fruitful educational exercise comprises assigning to students who are personally against specific ideas the task of defending those very ideas.

d) Simulation of cases

In this activity we simulate human rights violations cases being examined by international bodies, such as the Inter-American Commission on Human Rights, the European Court of Human Rights, or the African Commission on Human and Peoples' Rights.

Students work in groups that represent different players: an NGO that submits a petition to a regional body, a State that argues the case, or a member of the international organisation that is looking into the case.

In such exercises, not only do students gain a better understanding of the dynamics of international process cases, but also have the opportunity to participate actively and creatively.

e) Participation of foreign students and professors

Because of an exchange student program, the Human Rights course is also attended by students from countries other than Brazil, including Angola, Mozambique, Guinea, and Timor. These students can share their experiences in their countries, cultural practices, customs, and different perspectives on human rights issues. The experience has been highly valuable.

Also fruitful is the participation of foreign professors who come as guests to teach classes at the course, then revealing different realities, prospects, and problems.

f) Comparative analysis

The human rights course encourages comparative analysis when it approaches, for instance, regional human rights protection systems, such as the European, the Inter-American, and the African regional systems, as well as the incipient efforts for the establishment of Arab and Asian systems, considering their different historic background, different degrees of institutionalisation, different jurisprudences, and different impact on local orders. The strengths and weaknesses of each system are highlighted, with a view to promoting inter-regional dialogue to enhance these systems.

The comparative perspective allows us, in addition to knowing “the other” as "diverse" and "different", more importantly, to better understand ourselves, seeing clearly that laws result from historic constructions and inventions that are subject to be reconstructed.

3. Conclusion

Globalization bears an impact on legal courses, allowing professors to introduce new contexts, cultures, and different legal systems to students.

Inspired by the value of respect for diversity, both professors and students can develop a better understanding of their own cultural identities and learn more about plural and diverse identities. The potential is there for the emancipatory and transforming power of cross cultural dialogue to be engaged, with the hope that we can move from a "clash of civilizations" to a "dialogue among civilizations".