

**“Effective Techniques for Teaching about Other Cultures and Legal Systems”
IALS Educational Program
Montréal, Québec, Canada
May 30, 2008**

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Having set out to write a paper on the subject of the IALS educational program, I come to the topic with the assumption that we are being asked to answer a question—“What techniques are effective for teaching about other cultures and legal systems.” I also come to it with a background of having: a) taught comparative law in a U.S. law school for twenty years, with varying degrees of success; b) served as a Fulbright Lecturer for an academic year, teaching about the U.S. legal system at the University of Bucharest law faculty; and, c) administered international and comparative programs at both a small state law school and an Ivy League law school.

My experience leads me to reject, at the outset, one possible interpretation of the question at hand. I do not feel constrained to limit discussion to what I, or any given instructor, might do to improve his or her own teaching methods. Rather, I propose an institutional approach, emphasizing what I believe to be the most effective techniques available to permit a school’s students to learn about other cultures and legal systems. I fully recognize that much of what I write might not be possible at every law school. Nonetheless, I think it is important to present these ideas for consideration in this context.

Study abroad

In my judgment, the single most effective method for teaching about other cultures and legal systems is to send the student to study in that culture/legal system. This is a lesson that I absorbed personally, by earning an LL.B. (as it then was; today it is an LL.M.) at the University of Cambridge, after several years of practicing law in the U.S. There I was able to study international law from eminent English dons, one of whom went on to serve on the International Court of Justice, to study comparative law with a brilliant young Greek scholar, and to spend my non-studying hours immersing myself in every aspect of English life and culture possible. I was once told by a don that “the best education is simply living in Cambridge.” I could not agree more.

As everyone reading this paper will know, recent years have seen the proliferation of opportunities for law students to study in other legal cultures. In the U.S., this phenomenon first began reaching significant numbers of students in the explosion of U.S. law school-sponsored “foreign summer law programs” that had begun by the early 1970’s. Today there are 230 separate summer programs approved by the American Bar Association.¹ They exist in 46 countries and are offered by 120 U.S. law schools.² In the

¹ <http://www.abanet.org/legaled/studyabroad/foreign.html>

summer of 2006, the most recent year for which I have statistics, 5,025 students took part in these programs.³ The extent to which the students are effectively exposed to the host country's culture and legal system varies, of course, but the ABA accreditation criteria direct that: "[a] substantial portion of the academic program must relate to the socio-legal environment of the host country or have an international or comparative focus,"⁴ and "[t]he program shall include visits to legal institutions in the host country."⁵

The summer program is no longer the exclusive province of U.S. law schools. Many law faculties in other countries now offer such programs at their schools, seeking to draw students from elsewhere.⁶

Summer programs are probably the least effective of the options for study abroad, however. In the U.S. programs, at any rate, there is no guarantee that students will be taught by instructors from the host country, or that their exposure to the local legal institutions will be other than superficial. Nor are they required to take any courses that focus on the legal system of the host country. Plus, it is likely that the students will experience little, if any, interaction with law students from the host country.

A more effective practice is that of sending students directly into foreign universities to study--for a semester, an academic year, or longer. Widely practiced in Europe since 1987 through the Erasmus program,⁷ today it is also a world-wide phenomenon, typically taking place through bi-lateral exchange agreements. At my own school, Cornell, for example, there are agreements of varying degrees of formality with 15 partner law faculties in 11 countries.⁸ These experiences, which themselves vary in intensity, have the common strength of requiring students to enroll in the host university, deal directly with its administration and faculty and interact with the local students (as to this last, though, unfortunately, not in all placements). Although such placements do not guarantee that the student will study courses that focus on the legal system of the host nation, the Cornell experience suggests that a significant number of U.S. students choose this option. The same can be said of the incoming exchange students' course selection at Cornell.

The most effective form of study abroad for teaching about another culture and legal system is the dual-degree. Again, this is something that flowered in Europe before spreading to the U.S. and elsewhere. In November 2007, the University of Paris I

² *Id.*; The ABA list includes in indeterminate number non-summer programs as well, so the numbers given would be subject to modification downward if it were possible to identify these.

³ These figures were compiled from a confidential ABA memorandum, which is not available to the public.

⁴ § I.D., *Criteria for Approval of Foreign Summer Programs*, <http://www.abanet.org/legaled/standards/20072008StandardsWebContent/Criteria%20for%20Foreign%20Study.pdf>

⁵ *Id.*, §III.G.

⁶ For example, Bucerius Law School begins offering a summer program in 2008; see www.law-school.de/summerprogram.html

⁷ See http://ec.europa.eu/education/programmes/llp/erasmus/index_en.html

⁸ See http://www.lawschool.cornell.edu/international/study_abroad/semester_abroad/index.cfm

Panthéon Sorbonne and King's College London celebrated the 30th anniversary of their "double diplôme" in French and English law, in which students study in London and Paris, receiving law degrees in both countries.⁹ Paris I now has programs in French and German law (with the University of Cologne), French and American law (with Columbia and Cornell), French and Spanish law (with Complutense de Madrid), and French and Italian law (with the University of Florence).¹⁰

The number of U.S. law schools offering international dual degrees is increasing. I am aware of such programs at fourteen different schools,¹¹ although there well may be more. The goal and focus of these dual degrees vary. Some are intended to equip the students to become licensed attorneys in the two countries.¹² Others offer a more general program—an LL.M. or the rough equivalent--in the non-U.S. partner school.¹³

Our dual degrees at Cornell span this spectrum. The oldest, the J.D./Master en droit, with our partner, l'Université Paris I Panthéon-Sorbonne, equips its graduates to become members of the bar in France and the United States.¹⁴ Although not all of them acquire both bar memberships, a surprising number do. Our dual-degree program with the University of Humboldt, Berlin, the J.D./Masters in German and European Law and Practice (M.LL.P.), offers an in-depth education in the German legal system, but its graduates cannot sit for the German bar examinations without significant extra study.¹⁵ Finally, students in the J.D./Master in Global Business Law, a partnership with Sciences-Po and Paris I, study international and broadly comparative topics during the one year program.¹⁶

Bringing international faculty, students, visiting scholars and short-term guests to your school/faculty

I will not devote much time to this obvious device to enhance the teaching of comparative culture and legal systems. If a school cannot, or chooses not to, send its students out into the world, an alternative strategy is to bring the world to the school.

⁹ http://www.univ-paris1.fr/IMG/pdf/Programme_FINAL.pdf

¹⁰ http://www.univ-paris1.fr/formation/juridique_politique/ufr07/article107.html

¹¹ American University (Washington College of Law); Columbia Law School; Cornell Law School; Duke Law School; Harvard Law School; Michigan State College of Law; Northwestern Law School; Nova Southeastern University; University of Pennsylvania Law School; University of Puerto Rico; University of Santa Clara Law School; University of Southern California School of Law; Vermont Law School; University of Virginia School of Law.

¹² For example, see Columbia's description of its J.D./Master en droit program with the University of Paris I -- http://www.law.columbia.edu/center_program/intl_progs/Double_degrees/Paris

¹³ Again using Columbia's programs, see its J.D/LL.M. program with the University of Frankfurt - http://www.law.columbia.edu/center_program/intl_progs/Double_degrees/ILF_DD

¹⁴ http://www.univ-paris1.fr/formation/juridique_politique/ufr07/formations/doubles_diplomes_binationaux/double_diplome_e_n_droits_francais_et_america/rubrique319.html

¹⁵ <http://www.rewi.hu-berlin.de/index.php?path=:/int/gast/mlp/mlpneu/engl>

¹⁶ http://www.sciences-po.fr/formation/master_scpo/mentions/droit_economique/maquette_droit_eco.htm#5

This approach traditionally has been used by elite schools in the U.S. and elsewhere. A steady flow of visiting faculty members, visiting scholars, guest lecturers, graduate students and (in more recent times) exchange students will enrich the learning experience of one's own student body (and faculty). To take only one example, team-teaching a class with an international visitor can serve to expose the students both to the foreign perspective and to faculty-guided discussions that permit useful comparisons of the visitor's legal system with the one with which the students are already familiar.

An innovative set of course materials prepared by a Cornell colleague

Candidly, I have nothing inspiring to offer from my personal experience teaching comparative law. I would, however, like to acquaint the reader with an interesting set of materials prepared by my colleague, Professor Claire Germain, at Cornell Law School. Claire teaches a seminar in French Law at Cornell. Several years ago, she put together an innovative set of documents, interviews and other materials on a site for her students, much of which can be viewed by the general public. I commend Claire's efforts, which can bring the subject alive for her students without having to bring French lecturers to the class. *Please see* <http://legal1.cit.cornell.edu/frenchlaw/>