

## INTERNATIONAL ASSOCIATION OF LAW SCHOOLS

### Effective Techniques for Teaching about Other Cultures and Legal Systems

#### An Introduction to the Experience of the University of Buenos Aires, Argentina

##### **1. The situation in main Argentina's universities**

Because of its geographical situation in Latin America and because of the legal migration of the colonial period, Argentina shares with other Latin American countries the continental system of law; it is a civil law country. There are not many differences in the structure of our legal systems. Certainly, political reasons are behind the great number of amendments introduced, for instance, in criminal procedure in Peru and in Colombia in the 90's.

Our universities, including the private ones, are open to foreign students - mainly in the postgraduate studies which, at home, mean the equivalent of a JD – but this fact does not amount to showing a true expression of other legal systems.

There are no many possibilities of trying to recreate the diversity of the world and its legal systems in the Argentinean public university. The experience is mostly theoretical.

##### **2. The enriching experience of international moot courts, exchange programs, summer programs**

There is no society without law. Legal rules are social grammar. If there is no grammar, there is no language<sup>1</sup>. Law is a language; sometimes a foreign language; very difficult to be understood.

We have access to our human world from and through a given culture. This code is the cultural context of legal systems. Teaching other cultures and legal systems helps raising cross-cultural awareness.

In the 90s, the policy of economic liberalism and the fact that the local currency was pegged to the dollar facilitated the access to traveling

At the University of Buenos Aires Law School we took advantage of the situation and decided to encourage our students to participate in international competitions like the Philip Jessup International Law Moot Court Competition sponsored by the American Society of International Law, the Inter-American Human Rights Moot Court Competition organized by American University, the Jean Pictet International

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<sup>1</sup> Monique Chemillier-Gendreau, *Droit international et démocratie mondiale. Les raisons d'un échec*. Paris, Les éditions Textuel, 2002, 11

Humanitarian Law Moot Court organized by the International Committee of the Red Cross and in the Willem C. Vis International Commercial Arbitration Moot.

All of them require the training in the oral system and, in fact, to master a foreign language. These simulated international tribunals, like the true ones, work in a way familiar to the common law system but decide through judgments that are closer to civil law systems.

Both the facts of the different cases and the personal exchange during the competition allowed our students to enriching their perception of the world as one in which diversity is paramount but not yet crystallized..

At the same time, the participation in exchange programs provides the opportunity to some of them to learn by themselves the different approaches of different legal systems. Living in a foreign country also helps developing a perspective on one's own culture and society; identifying the places of overlap and the sites of divergence, the differences in learning and work styles, in communication styles

To be successful, international exchanges require us to delve deeper into understanding our own motivations, needs, and creativity, as well as those of our counterparts from other cultures.

In the same context, summer programs provide an opportunity to engage local professors and to ask for syllabus with materials and approaches related to the country or region in which the program is developed. Students become a compact group, coming from the same country, and the exchange with local students – allowed to participate in the course – and with local professors is very much interesting.

As in the case of exchange programs, the negotiation of summer programs requires to take into consideration the “transnational/international” issue.

We are the host institution in the summer programs managed by Southwestern University and Stetson University. In both our students can participate at least in one course and our professors are part of the faculty.

### **3. Theoretical approaches to sensitive issues**

The increasing number of international tribunals – meaning the access to a third party instance for the settlement of disputes – allows raising some issues that can be argued from opposite standpoints. Syllabus and the corresponding cases and materials can be built with the goal of showing as much points of view as possible.

Among other techniques, role-playing of situations that prove to be controversial and very sensitive supposes research, legal writing and oral arguments to be deployed with some persuasion.

International lectures, visiting faculty as well as other exchange methods help in being open-minded and receptive to the higher values of other cultures.

The academic offer of UBA Law School this year – March to December 2008 – in the second cycle of studies – where students can make their own choices on a credit basis – include the following seminars: The rights of indigenous peoples, Emblematic cases decided by the United States Supreme Court, Globalization, social order and social movement, the Principle of Equality in Constitutional Law: The case in Argentina and

Germany (taught by Jan Sleckman, visiting professor), International Business Transactions, E-commerce, Technology, Markets and Law; Money Laundering; Transnational Organized Crime; Crimes against humanity and Holocaust; International Protection of Human Rights; International Protection of the Rights of the Child; Decent Work and ILO regulations; Culture and Law: The Challenges of Social Change and Cultural Diversity; Identity and Diversity; The Sources of Hebrew Law; From Aischwitz to ESMA [a clandestine detention camp during the last military dictatorship]: the Philosophical Approach to Genocides;

#### **4. Some preliminary remarks**

The previous two pages are a very partial – because non exhaustive – presentation of some practices that we have developed at UBA in order to train our students in a complex world in which diversity is crucial. The exercise has not proven to be easy. The changes that have to be obtained are of a cultural nature; they need time and cannot be decided in a normative way. Both, students and faculty, have to be more flexible and open-minded. That takes time and needs a very firm political will.

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