

## Building Bridges

### Fostering Cross Cultural Learning Experiences In the Law

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Someone learned and wise once succinctly said, “The law is the carrier of the values of a culture.”<sup>55</sup> This insight raises a variety of profound implications for our perception of law and the way to teach it. Assuming the obvious, that cultures and cultural manifestations differ, are we all talking about the same “law” or “rule of law”? We assume that we all impart the same significance to the phrase “Rule of Law”. And yet, even if the phrase has universal application, how do manifest cultural differences inform how we teach law to students in different societies?

Let us take the acknowledged divergence of perspectives between the West and traditional China. As philosopher Angus Graham observed:

The West with its tradition of debate characterizes a people who ask the question, “What is the Truth?” Whereas, those in classical China would ask, “Where is the Way?”<sup>56</sup>

This difference may be best expressed by two contrasting quotes:

“...The most striking difference between the traditions at the two ends of the civilized world is in the destiny of logic. For the West, logic has been central and the thread of transmission has never snapped ...” -Philosopher Angus Graham<sup>57</sup>

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This paper builds on the first paper in this series, Francis SL Wang, *Rebuilding a Bridge*, Association of American Law Schools, Educating Lawyers for Transnational Challenges, (2004), <http://www.aals.org/international2004/Papers/wang.pdf>. That paper discussed the evolution of the Soochow University Law School from its inception to its present form as the Kenneth Wang School of Law. It was the emphasis at the original law school on foreign languages as well as foreign legal systems and pedagogy which trained a generation of Chinese jurists, scholars and practitioners who were competent and comfortable in bridging the gulf between the traditional Chinese and western notions of law. Their successes motivate the authors in their own mission to create educational pathways which can foster legal understanding and creativity. The authors wish to acknowledge the inspired vision of Carl Monk, President of the IALS, in creating a forum where legal educators worldwide can engage in such an important discourse.

<sup>55</sup> Professor Todd Rakoff, Byrne Professor of Administrative Law, Harvard Law School, Dinner at the Harvard Faculty Club, September 17<sup>th</sup>, 2007. Also present at the dinner were the author, Vice Dean William Alford, Assistant Dean Jeanne Tai, and Associate Director Gerald Savitsky.

<sup>56</sup> Angus C. Graham, *Disputers of the Tao*, 3 (1989). Also see, Roger T. Ames, “Thinking through Comparisons: Analytical and Narrative Methods for Cultural Understanding” in *Early China/Ancient Greece*, S. Shankman et al, ed. (2002).

<sup>57</sup> Id, Graham p. 6

“...It is precisely because the Chinese mind is so rational that it refuses to become rationalistic and ... to separate form from content.” -Philosopher Shu-Hsien Liu.<sup>58</sup>

Over the years, psychological studies comparing East Asians and Westerners reveal, in a variety of ways, a statistically significant difference between the two groups when it comes to perceptions of rules and relationships.<sup>59</sup> For instance, studies have shown a greater proportion of East Asians tend to organize information about objects by their relationship to each other, rather than by categories devolved from abstract attributes of those objects.<sup>60</sup> Westerners showed a statistically significant difference from East Asians in the way they perceive objects in relation to their environment.<sup>61</sup> These studies point to a cultural tropism towards organizing information, developing rules and interacting with the environment in ways which vary between Westerners and East Asian cultures. Such tendencies are reinforced by testing, even in what may be believed to be “culture free” exams. For example, a student wishing to join the Chinese Civil Service must take the Civil Service Examination given at the end of November every year. The following is a sample question in the exam meant to test logic.

What is the next number in this sequence?  
256, 269, 286, 302, ( ? )  
(a) 254 (b) 307 (c) 294 (d) 316.<sup>62</sup>

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<sup>58</sup> Shu hsien Liu, “The use of analogy and symbolism in traditional Chinese philosophy,” 1 *Journal of Chinese Philosophy* 314 (1974).

<sup>59</sup> Richard E. Nisbett, *The Geography of Thought*, 141 – 142 (2003).

<sup>60</sup> Liang-hwang Chiu, “A Cross-Cultural Comparison of Cognitive Styles in Chinese and American Children,” *International Journal of Psychology* 7, 235 – 242 (1972). This early study showed three objects to the children. The first two were a picture of a chicken and the other grass. Then a third picture was a cow. The children were asked which picture would they put the cow together with – the chicken or the grass. The study results showed a statistically significant portion of the American students preferred to group the objects in a “taxonomic” category (chicken and cow – animals) whereas, Chinese children preferred to group the objects by relationship (cow and grass – cow eats the grass). Also, see Nisbett at 140 – 141 for other studies.

<sup>61</sup> Taka Masuda and Richard E. Nesbitt, “Attending Holistically vs. Analytically: Comparing the Context Sensitivity of Japanese and Americans,” 81 *Journal of Personality and Social Psychology* at 922 – 934. This experiment showed underwater scenes to Japanese and American university students. Each scene contained a “focal” fish – one which was larger, brighter and with more movement than anything else in the picture. The scene also contained other fish (though smaller, slower and not as notable as the focal fish), rocks, plants, frogs, snails, etc. After observation, each group of students was asked to write down what they had seen. American and Japanese students made approximately the same number of references to the focal fish. However, the Japanese students made more than sixty percent more references to the other objects in the picture than the American students. In addition, while each group made approximately the same number of references to the active moving animals in the scenes, the Japanese students made nearly twice as many references to the relationship with the background objects than did their American counterparts.

<sup>62</sup> The correct answer is (b). The answer is derived by adding the individual digits of each number to the other digits in that number and then adding that to the number itself to derive the next number in the sequence. Keeping in mind that the exam is both a power and speed test, not much time can be spent on each such question. Success is gauged by quick and accurate responses. See <http://202.116.73.59/xsh/ReadNews.asp?NewsID=848>; also, see generally, *Test for Administrative Professionals*; History of Chinese Communist Party Publishing House, by the Civil Exam Textbook Compilation Group (2006).

Typically, a western reader is trained to look for differences in values of each number, seeking a pattern like Fibonacci numbers, or prime numbers. Westerners are less likely to consider the relationships of the digits internally within a number. The correct answer lies in quickly discerning those internal relationships and applying them.

The tilt in East Asian cultures towards organizing and processing information according to internal relationships, rather than by external categories defined by abstract rules. Western legal systems focus most acutely on principles of law, while the traditional Chinese view is that such abstract principles are too mechanical and devoid of substance. Rather, the emphasis has been on conflict reduction and stability.

Some have argued that these differences stem from fundamental philosophical differences in the foundational philosophies of East and West.<sup>63</sup> Others believe that these variations stem from the differences in language.<sup>64</sup> Others cite the traditional Chinese cultural emphasis on hierarchy.<sup>65</sup> It's not that all East Asians coming from a traditional Confucian influenced cultures think one way and Westerners think another.<sup>66</sup> That is patently absurd, and the studies do not support that. The results of the studies do assert that between like groups of East Asians and Westerners, a statistically significant difference does exist as to how each group on the whole reacts to relationships, categories and rules. The difference reveals a tendency in a culture, not a guarantee of certain characteristics in every individual. Regardless, these deep differences exist.

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<sup>63</sup> R.F. Logan, *The Alphabet Effect* (1986); Y. Lin, *My Country and My People* (1936).

<sup>64</sup> Robert Wardy, *Aristotle in China – Language, Categories and Translation* (2000).

<sup>65</sup> One example is the Chinese courts' habit of issuing short judicial opinions which completely lack any logically reasoned and persuasive discourse. The lack of discourse is seen as an example of the hierarchical nature of Chinese culture and a tradition in which public persuasion and discourse are unnecessary. However, this distinction is not helpful for an East-West comparison, as Europe is undoubtedly part of the Western tradition, and yet civil law courts, notoriously brief and unpersuasive in their decision making, are the model for Chinese judicial practices. European civil law judgments traditionally exhibit a discursive style limited to a statement of law and principle with a conclusory statement of fact, logically leading inescapably to the opinion's conclusion. As Mitchel Lasser points out, the lack of discourse in the public sphere of a published judicial opinion does not mean that there is not a robust discursive sphere within the institution of the French judiciary, only that it is not made publicly known. (Lasser, Mitchel de S.O. L'E.; *Judicial Deliberations: A Comparative Analysis of Judicial Transparency and Legitimacy*; Oxford: Oxford University Press, 2004.) Similarly, Chinese courts have internal structures for review of all decisions, in which internal committees discuss, and court leaders approve, opinions before they are issued.

<sup>66</sup> Some differences in legal discourse can be explained in terms of political dynamics, rather than culture and tradition. (See for example, Ginsburg, Thomas; *Judicial Review in New Democracies*, Cambridge, Cambridge University Press, 2003.) Ginsburg proposes that the most significant factor in development of an independent judiciary is a political system in which those in power are not guaranteed to continue in power, and therefore seek a type of political insurance, using judicial power to limit excessive executive power. While political dynamics are still a part of culture, they do not support a simple East vs. West comparison.

There is a growing scholarship examining the interplay between cultural variations and legal perceptions and judgments. From the early works of Michael Saks and Robert Kidd<sup>67</sup> building on the work of Daniel Kahneman and Amos Tversky<sup>68</sup> the trajectory of this research has been the exploration of a variety of legal subject matters employing the schema of heuristics and cognitive biases to challenge the rational actor assumptions of law and economics proponents.<sup>69</sup> These heuristics and cognitive biases prove to be informed by cultural variations creating an uneven perception and application of the law. Such uneven perceptions and applications of the law create a disequilibrium in attempts to universalize the concepts of law and the rule of law.

These differences and their implications for the principles of causation and culpability in tort law are explored by Levinson and Peng in their ground breaking work “Different Torts for Different Cohorts”.<sup>70</sup> This study demonstrated how cultural differences between American and Chinese subjects skew decisions on causality, culpability and foreseeability in legal judgments.<sup>71</sup> It was built on Peng and Knowles’ work which demonstrated how East Asian subjects made judgments of causality and responsibility based more upon the consequences of the action (fatal injuries versus superficial injuries), as opposed to American subjects who made their judgments of causality and responsibility based more upon the intentionality of the actor rather than the consequences of the action (intention versus accidental infliction).<sup>72</sup>

We wanted to study the effects of cross cultural training on the legal profession. If legal training contains universal principles, would law students be less affected by cross cultural education? Or, if “law is the carrier of the values of a culture,” would law students be more resistant to cross cultural training, and more embedded in their native cultures? Are such assumptions or cognitive biases malleable or are they entrenched? And if so, what is the degree of malleability or entrenchment? How do we prepare our students to effectively function in a world where they are more and more charged with providing stability and predictability to interactions and relationships across such cultural divides?

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<sup>67</sup> Michael J. Saks & Robert F. Kidd, Human Information Processing and Adjudication: Trial by Heuristics, 15 *Law and Soc’y Rev.* 123 (1980).

<sup>68</sup> Amos Tversky & Daniel Kahneman, Belief in the Law of Small Numbers, 76 *Psychol. Bull.* 105 (1971); Daniel Kahneman & Amos Tversky, Subjective Probability: Judgment of Representativeness, 3 *Cognitive Psychol.* 430 (1972); Daniel Kahneman & Amos Tversky, Casual Schemata in Judgments Under Uncertainty: Heuristics and Biases, 1 *Progress in Soc. Psychol.* 49 (Martin Fishbein ed. 1980).

<sup>69</sup> See Jeffrey J. Rachlinski, the ‘New’ Law and Psychology: Reply to Critics, Skeptics, and Cautious Supporters, 85 *Cornell L. Rev.* 739 (2000); See also Christine Jolls et al., A Behavioral Approach to Law and Economics, 50 *Stan. L. Rev.* 1471, 1545 (1998).

<sup>70</sup> Levinson, J. & Peng, K. 2004. Different Torts For Different Cohorts: A Cultural Psychological Critique of Tort Law’s Actual Cause and Foreseeability Inquiries. *Southern California Interdisciplinary Law Journal*, 13:195-226.

<sup>71</sup> Id.

<sup>72</sup> Kaiping Peng & Eric Knowles, Culture, Education, and the Attribution of Physical Causality, 29 *Personality Social Psychology Bulletin* 1272 (2003).

### **Summer Law Institute – International Business Transactions with Chinese Characteristics**<sup>73</sup>

#### **Purpose:**

In light of this scholarship, we embarked in 2003 to create an educational experience where law students from China and the West will come together to learn the basic techniques of problem solving in an international business setting while learning from each other the variations in approach, reasoning and expression which they will confront as lawyers in international practice.

#### **Background:**

In 2003 there were approximately 10 international summer law programs hosting foreign law students in China. These were mainly organized by American law schools for their students. These programs followed a variety of formats. Some were taught by the sponsoring school's faculty. Others were taught by a more diverse faculty including practitioners and faculty from other schools. On the whole, the majority of students came from the organizing school with the remainder coming from other American law schools. Some programs provided a Chinese law perspective, on the whole taught by an American faculty. Some included a few Chinese faculty members. Other programs had very little of a China law component. Instead, they were standard law school doctrinal classes. The cultural aspects of these pioneering programs consisted mainly of visiting the standard tourist sites as well as visits to judicial and administrative venues. There was limited interaction with the environment or the people of China.

While benefiting from the experiences of these pioneering programs, we decided to give special emphasis on fostering a robust cross cultural experience for our Chinese and Western students as well as faculty.<sup>74</sup> We, therefore, insisted on having a balance of Chinese and Western students. We incorporated Chinese faculty along with Western faculty.<sup>75</sup> To force an interaction among the students we divided

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<sup>73</sup> The Summer Law Institute is a multi-institutional undertaking. It is formed by 3 partner schools which are primarily responsible for the administration of students entering the program from their jurisdiction. Cornell University Law School is the American partner, Bucerius Law School is the European partner and the Kenneth Wang School of Law is the Chinese partner. In addition, the institute is supported by four cooperating institutions – University of California – Hastings College of Law, Tsinghua University Law School, Pacific/McGeorge School of Law and the University of Milan School of Law. Each institution provides faculty and students. Financial support for the program is shared by the Wang Family Foundation and the Zeit Stiftung Ebelin und Gerd Bucerius.

<sup>74</sup> The Summer Law Institute at the Kenneth Wang School of Law is now the largest and most complex summer program in China. Each year it hosts approximately 100 law students. 50 are from various law schools in China (this past year over 34 Chinese law schools were represented). The other half is split between American law students (this year representing about 14 different American law schools), and European law students (this year representing 8 European law schools).

<sup>75</sup> This past year, 2007, the program had close to 30 faculty members in the three weeks. We had our full-time faculty consisting of Barbara Holden-Smith, Associate Dean Cornell Law School, Karsten Thorn, Professor of Law, Bucerius Law School, the authors from the Kenneth Wang School of Law, Leo Martinez, Professor of Law, University of California, Hastings College of Law, James Li, Professor of Law, Tsinghua University. These full time faculty members were the core of the program, tying together each individual unit. The part time faculty would be engaged from periods of a day to a

them into teams maintaining a balance of approximately one half Chinese and one half Westerners on each team. While the language of instruction is English, we presented some materials in our hypothetical package in Chinese. This, once again, forced team members to rely on each other in understanding the problem, as well as working with each other.

**Course Structure:**

The course is a problem solving exercise based upon a hypothetical international business situation. In the hypothetical, three high-tech companies (Chinese, American and German), each meet at the Shanghai Hi-Tech Trade Show. The students have been hired as summer associates to work in the legal counsel’s office of their respective companies. Instructions from the General Counsel are provided as general guidelines of the tasks the summer associates must perform.

## You’ve Been Hired Work Rules



- You’ve been Hired

- Associates in the General Counsel’s Office to work for a division of a large company.
- General Counsel and other Attorney’s are on Summer Holiday.
- You’ve been asked to “mind the store” while they are away.
- You will be working in a team of other associates also hired for the summer.
- You will be dealing with various business people
- You have an opportunity to “hire” experts . However, you will need to keep within a budget. The experts will not give you the answers to your questions, Rather, they will assist in guiding you.

Each day, students are presented with a new package of materials (emails, contracts, documents, memos, etc.) which lay the foundation for the specific problem of the day. Each day’s unit explores a different aspect of International Business Transactions. Each day’s morning session is focused on the doctrinal area of law around which that day’s problem focuses. During the course of the three week program, the students are presented with 5 separate team tasks. These include drafting a memo, making a presentation to the board of directors, negotiating a joint venture arrangement, drafting a brief, and finally appearing for oral argument before both a Chinese court and an American court. The students work on these tasks in the afternoons and evenings.

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week. They may give a lecture or conduct a class on their specific area of expertise. Some would participate in panel discussions on specific topics. This put faculty and students in the challenging and stimulating environment which results from a high degree of intellectual exchange among the participants.

**Team Structure:**

The students are divided into 12 separate teams, each of which represents one of the three companies in the hypothetical. The 12 teams are divided into 6 Red teams (Chinese company), 3 Blue teams (U.S. company), and 3 Gold teams (German company). Each team has approximately one-half Chinese members and one-half Western members. Teams are judged on the effectiveness of their representation of the client. The teams work with, and compete with, each other in negotiations, depth of analysis, client relations, and strategic approaches to issue definition and problem solving.<sup>76</sup>

**Pedagogical Rationale:**

The focus is not to teach, nor test, the students on substantive areas of law. Rather, it is to familiarize them with the intricacies and vagaries of international legal practice in a hypothetical international business transaction. They will need to develop sensitivity to various issues of law and culture which impact this hypothetical fact pattern. As the course continues, the fact pattern changes, and they will learn how these changes affect their legal analysis. They are forced to work with law students from different legal traditions (civil vs. common) as well as distinct cultural traditions.

We decided on a simulation, problem-solving pedagogy as the one which would lend itself best to foster the interactions we believed would yield the most robust educational results for the participants. Aware of the discourse among legal educators that more than a single pedagogy is needed to educate law students, we employed a variety of approaches in teaching the doctrinal components of the course. Lectures, panel discussions, as well as case–dialogue and Socratic methods were utilized to supplement the written materials in developing the issues in the hypothetical. Company memos and emails knit together a light hearted narrative which moves through each unit providing texture and meaning to the written documentation presented. This “narrative” approach was important to give the students a sense of “real life” practice. The recent concern expressed in current literature about the need to “contextualize” the training of lawyers sharpens the importance of introducing more simulation-problem solving approaches to our law schools<sup>77</sup>.

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<sup>76</sup> In order to ameliorate some of the economic differential between the Chinese and Western students, each team is provided a stipend of RMB 1,000 at the beginning of the institute to spend as they as each team decides. The restaurants, bars and coffee shops on Shi Chuan Street have been delighted by this boost to the local economy. It is a team building device. Another device we used has been a treasure hunt. While a small minority of the western students (particularly a few world-weary, cynical, twenty-something American students) criticized the exercise as “too summer camp”, it did provide for team cohesion and enabled each student to coordinate with their team members as well as discover the city of Suzhou. This was a particular hit with the Chinese and European students as well as most of their American colleagues.

<sup>77</sup> See generally, Todd D. Rakoff and Martha Minow, *A Case for Another Case Method* (Scheduled for Publication in 60 Vand. L. Rev. 587 (2007), and William M. Sullivan, et al, *Educating Lawyers* (2007).

**Course Materials:**

Students are provided with two sets of materials: 1) background reading materials for each unit, and 2) the hypothetical case materials as the foundation of their assignments. These readings consist of articles, summaries and other reading materials, including short summaries of various substantive areas to provide the students with a general background for each topic. Students are expected to prepare for class by reviewing these materials. The hypothetical materials contain the facts upon which students must base their analyses, and include company profiles, business memos, emails, business plans, sales contracts, licensing agreements, commercial invoices, correspondence, internal memos, etc. The hypothetical materials are distributed during the progress of the course, to be used by the students in analyzing the issues in the hypothetical.

**Class:**

Each day's class begins with a review of the prior day's hypothetical problem followed by distribution of new factual materials, such as memos, emails, or form contracts from business partners, announcement of new regulations and/or news events. These new materials will set the stage for that day's problem. Each day's new material is added to the students' respective case files. Teams are expected to sit together in class, and are called upon to answer questions or participate in discussions as a team.

After the review and setup for the current day's problem, a very general summary of the relevant legal subject area along with the changing hypothetical fact pattern is presented in lecture, with a panel discussion on the relevant law as it impacts the hypothetical case. The Faculty leads the discussions to compare and contrast the substantive law across different jurisdictions, along with its interplay with the facts of the hypothetical. Faculty act as "expert consultants", making themselves available to teams on some afternoons, as needed. The experts' purpose is not to provide the students with answers, but rather, to assist them in the organization, research and presentation of their work. They will also grade each team's performance.

Teams are called upon to provide their input to the day's lecture and discussion, and student questions and insights are encouraged. Incentives for classroom participation are provided. The purpose of the morning discussions, and the summaries of law, is not to provide answers to the hypothetical, but to provide an overview of the area of law which each team should explore to determine the issues for analyzing that day's hypothetical.

**Problem Solving and Team Work:**

Using the resources in the case file, as well as information and materials obtained from the resource website, background readings, the library, as well as Internet research, the students will work in teams to prepare the assignments. Students are expected to search the web for relevant statutes, agreements and background materials. To encourage participation by all the students, some of the materials are in only one language: English or Chinese, requiring that the team members work together to find the issues. Some of the materials will have translations, but the translations may or may not be accurate and will require review.

Each team has different materials with some overlap, e.g., contracts between two of the companies, etc. Initial analysis and negotiations are based upon incomplete information. At the litigation portion of the exercise, the students may face US-style discovery requirements, including the need to turn over materials which may compromise their original positions.

The entire multi-cultural exercise, from attending class to preparing assignments with teammates and faculty from other cultures, is intended to encourage the students to confront their own assumptions, and ultimately to realize that the absolutes of values are not absolute, but dependant upon a multiplicity of factors.

### **Measuring Outcomes**

Working with the U.C. Berkeley Culture and Cognition Lab and its director, Prof. Kaiping Peng, we are studying the outcomes of the program over the last four years.<sup>78</sup> We tested two sets of issues in this study. The first issue we tested was for cultural differences, and how members of different cultures view themselves, their relations with others, and their judgments of legal issues. We examined whether these groups react to cultural values and legal judgments in similar ways. This set of questions builds upon the existing scholarship in the field, and establishes the base line of cultural differences to help us to address the second issue.

The second issue we tested in this study focuses on the effects of cross-cultural interactions and learning: How do culturally diverse people respond to cross-cultural learning? What factors affects the outcomes of cross-cultural learning? By focusing on quantifiable data in this study, we can empirically test some of the most fundamental questions in cross-cultural education.

Informed by the existing scholarship, we predicted that Americans would be more individualistic in their judgments of values and to be more legalistic in their judgments of legal cases while Chinese would be more likely to endorse collectivistic values and to more likely to choose equitable rather than technically correct legal judgments. We also predicted that cross-cultural legal education would fundamentally alter students' value orientations and their ways of judging legal questions, but the magnitude and scores of these effects were the subject of the empirical tests we devised.<sup>79</sup>

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<sup>78</sup> We must emphasize that the "results" reported in this paper are very preliminary, as much work still needs to be done in analyzing the accumulated data.

<sup>79</sup> A 2x2 Culture by Time Between Subject Design was utilized in this study. Both groups received the test before and again after, the cultural training.

Subjects were presented with two forms of questionnaire; both forms were matched to test the same psychological variables in questions. Materials were created in English with consideration for cross-cultural understanding of the concepts. The survey was translated into Chinese and translated back into English by separate translators. The authors resolved the few discrepancies that emerged.

We used the most famous individualism-collectivism scale as a measurement of cultural values (Triandis et al, 1988). Individualism, as a psychological concept, is defined by three behavioral components - emotional distance from one's in-group (e.g., parents, siblings, relatives, etc.), personal goals having primacy over in-group goals, behavior regulation by attitudes and cost-benefit analyses, and little avoidance of confrontation (Triandis et al., 1988; 1990). Collectivism, on the other hand, is defined by family integrity, a homogenous in-group along with strong in-group/out-group distinctions,

For the legal judgment questions, we presented the students with four factual scenarios which represent common examples of legal disputes. The scenarios are designed to approximate varying types of legal cases. All these cases were tested in a previous cross-cultural study on law and psychology (Levenson & Peng, 2004) that had shown cross-cultural compatibility and validity. Students were asked to evaluate a variety of situations.

While the study is continuing, preliminary results confirm the cultural differences found in prior studies, even though the subjects in this study have legal training. American law students were more individualistic in their self-image than their Chinese counterparts. The concentration on self revealed itself in legal judgments made by the American students that tended to assume more individual control of circumstances, and contrasted with the responses of the Chinese students, who tended to assume individuals had less ability to act on individual free will.<sup>80</sup> Given that base line, we looked at the second issue – the effects of cross-cultural training on our students.

In the Suzhou study, we tested the base line difference between the two cultural groups by examining Chinese students and the American students' responses in a before and after test. We found that before cultural interaction and training, there

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the self being defined in in-group terms, and regulation of behavior by in-group norms, and hierarchy and harmony within an in-group. Previous research has shown that individualism-collectivism affects people's self-concept, (Triandis, McCusker, & Hui, 1990), conflict resolution, (Triandis et al., 1988), and attribution (Morris & Peng, 1994).

<sup>80</sup> Once again, we designed two forms for the same kind of legal scenarios. The first kind of scenario involved individual responsibility and the second kind concerned group responsibility. Form A was administrated at Time One before cultural interaction and knowledge training and Form B was administrated at Time Two after cultural interaction and knowledge training.

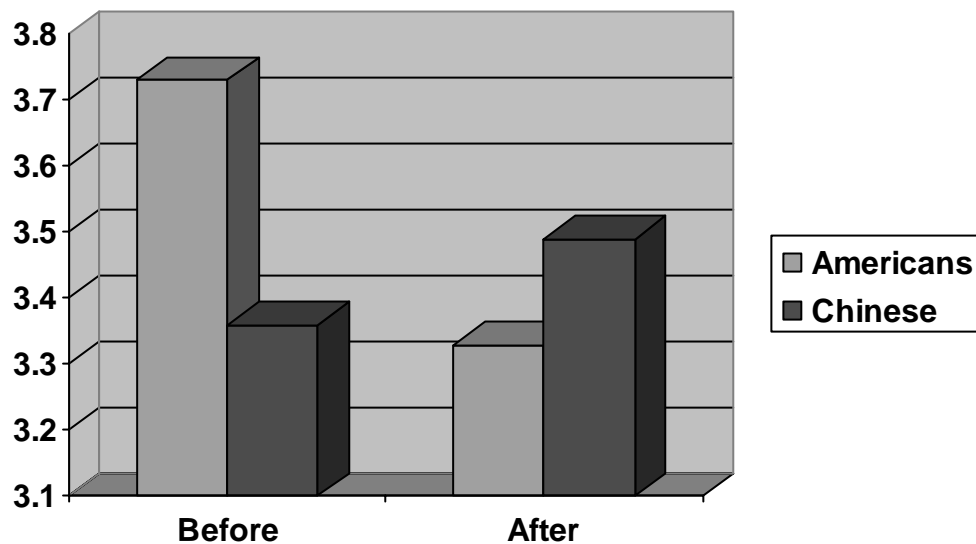
The first case in Form A described psychological research indicating that the perceived moral culpability of an actor affects a lay person's casual determination. Mark Alicke conducted studies in order to show that when multiple potential causes are present, people most frequently select the most morally blameworthy cause as the likeliest cause. In Alicke's studies, when presented with a hypothetical fact pattern relating to a car accident, subjects cited the driver (the actor) as the primary cause of the accident more frequently when his reason for speeding was to hide a vial of cocaine than when it was to hide his parents' anniversary gift. Perceivers also consistently selected the actor as the primary cause of the accident despite the presence of other causal factors, such as an oil spill or tree branch blocking a traffic sign. Alicke described this effect as *Culpable Causation*, "the influence of the perceived blameworthiness of an action on judgments of its causal impact."

The second case in Form A teased out cultural differences in causal explanation. In a series of studies testing cultural differences in attribution, Peng and his colleagues (Morris & Peng, 1994; Morris, Nisbett, & Peng, 1995; Peng & Nisbett, 1997) used descriptions of recent mass murders committed by either a Chinese or an American as the stimuli, and asked American and Chinese college students to explain these events. They found that Chinese indeed place more weight on situational, social, and global causes, as compared with American students. Such cultural differences were also shown to exist in people's counterfactual reasoning about the cause and effect relations of mass murders, as well as in the media reports in a Chinese newspaper (*The World Journal*) and an American paper (*The New York Times*). Such findings are significant as well as provocative, because social psychologists and cognitive psychologists have long argued that there is a strong universal tendency for people to attribute behaviors of humans and objects to internal dispositions of an individual or object, which has been called the "correspondence bias." It is well documented that such a bias exists even when situational influences are obvious, leading to the so-called "fundamental attribution error."

were indeed cultural differences on individualism-collectivism, such that the American students were measurably more individualistic ( $M = 3.73$ ) than the Chinese students ( $M = 3.36$ ).

We then tested the cultural difference after the cultural interaction and knowledge training. We found not only that there were changes, but that the difference was somewhat reversed. While both groups had moved towards each other, the American students' responses had become even less individualistic ( $M = 3.33$ ) than those of the Chinese ( $M = 3.49$ )!

Figure 1 Effects of Cultural Knowledge Training on Chinese and American Students' Beliefs on Individualism



We note that the difference between the two groups narrowed by more than 56% (from .37 to .16). This demonstrates a pronounced movement by both groups towards the mean. What was most compelling was the movement among the students – American students' attitudes of individualism moved three times as much as the Chinese students. We theorize that this large movement owes much to removing the American students from their original environment and placing them in an entirely different cultural setting. The movement of Chinese students to a more individualistic self-perception demonstrates the effects of cross cultural interactions even when remaining in one's original environment, but interacting with a different population. This measurable change occurred within a three week period of intense multi-cultural interaction. We expect an even greater movement in students who engage in a longer program or have greater opportunities for education abroad programs.

These preliminary "results" will assist in focusing our continuing research. That research will enrich our understanding of how culture and perspectives of law are intertwined. We, as teachers of the law, must inculcate in our students a

sensitivity to the vagaries of cultural influence on the legal perspectives and outcomes in this interrelated but diverse world. The research suggests that such a sensitivity can be fostered by intense cross cultural interactions in a simulated real world legal environment where students from different legal and social cultures must work with each other. It is one way of preparing our students for the world they will inherit and shape. It is a beginning.