

counsel and nurture and work well with others. A lawyer uses interpersonal intelligence to interact with clients, judges, adversaries, witnesses, experts, and law enforcement. The lawyer relies on interpersonal intelligence to be an effective counsellor who communicates, listens, and empathises with a client. A lawyer then uses interpersonal intelligence to negotiate, mediate, persuade and otherwise advance her client's interests.

This study was conducted to determine whether male and female law students express differences in preferring logical intelligence to the other intelligences. The questionnaire asked the participant to select from a list of 25 words and 25 phrases describing various personal characteristics that 'best describe' them. Participants' selections were categorised so that each received a logical score, linguistic score, visual score, interpersonal score, and intrapersonal score. Each score signified how many times a participant chose a logical preference, a linguistic preference, an interpersonal preference, an intrapersonal preference, or a visual preference. The researchers found that the most statistically significant results came from the logical and linguistic intelligences as a function of gender. The most notable results showed that male law students significantly selected logical intelligence more than female law students and that female law students significantly selected linguistic intelligence more than male law students.

Law school commits functional discrimination because it does not give women students access to the prime benefits of the institution. Law school creates an artificial hierarchy of intelligences that unfairly rewards those traditional students who think with logical intelligence at the expense of those non-traditional students who think with other intelligences. Indeed,

law school grades in the first year are mostly based on blue book exams that test logical intelligence alone.

Many women feel alienated from a law school that does not recognise their linguistic capabilities. This alienation comes from the dominant logical discourse creating and controlling women's law school experiences in a way that is unauthentic for them because it does not include their way of thinking. Law school's preference for logical discourse and the 'imperfect fit' between language and experience lead to muting of women in the following ways: (1) women may be viewed as 'inarticulate' in the classroom because of their inability to express themselves using the dominant language; (2) women may be silent about matters which concern them because there is no mode of expression in the dominant logical model; and (3) the existence of a dominant logical discourse and the requirement that an individual engage in it means that alternative methods of expression will be suppressed or inhibited.

To train multifaceted lawyers, law schools need to functionally diversify. Functional diversity requires law schools to not only admit women, but to accommodate and change as a result of their admission. This symbiotic adaptation benefits the women students by including a diverse pedagogy from which they can learn from and feel comfortable. This adaptation benefits the men students who may be learning new skills that they need in order to be more effective attorneys. This adaptation benefits the legal community that needs versatile problem-solving professionals. Thus, it should not be logician versus linguist as adversaries.

INDIVIDUAL SUBJECTS / AREAS OF LAW

Teaching comparative law in the 21st century: beyond the civil/ common law dichotomy

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Law students will face a plethora of legal systems as they advise clients in the twenty-first century. The inexorable growth of world trade has multiplied the domestic variations of the common and civil law traditions that lawyers must address. Ultimately, many legal problems are reaching transnational and international proportions such that they must either be addressed within a regional legal system or be hurled into the loose structure of international law.

American law schools have chosen to deal with these issues piecemeal through a loose amalgam of law school courses under an international law heading. None of these courses offers a bridge to the others; each touches upon the others but is studied independently. Comparative Law could effectively serve as a bridge between these courses. But to do this, Comparative Law must be restructured from its current American-common-law/ European-civil-law myopia into an introduction to the broad diversity of legal systems throughout the world.

Most law faculty agree that Comparative Law is an essential offering in every law school's curriculum. Yet faculty advisers and students often treat it as an unnecessary course for eggheads. New approaches to teaching Comparative Law must be developed to bridge the relevancy gap while expanding students' legal horizons.

The goal of this article is to propose an introductory course, Law in Comparative Cultures, which exposes students to a panoply of international legal systems. As a starting point, there is recognition that the amount of material to be covered in most

introductory core courses does not leave room to include even bits and pieces of foreign law. The course eschews the traditional comparative law casebook models. The primary casebook is built upon a structural analysis of the European application of the civil law and an examination of substantive areas of law studied in the first year at most US law schools. After laying out the legal structure and operation of European civil law, many authors gravitate to their own area of interest. They do not really wrestle with the foreign law (much less the culture) in the context of another society. Although they ultimately will gain some technical knowledge, the absence of context makes the knowledge dry and virtually meaningless.

Alternatively, some casebook authors have attempted to expose students to the great legal and cultural differences between American and radically different societies. Unfortunately, because most students are unfamiliar with the history, culture, and legal practices in those societies, they are unable to bridge the vast divide between that which is familiar to them and the sterile description of the unfamiliar.

In contrast with those two methods, the readings in *Law in Comparative Cultures* are drawn from three areas: the laws as written, the laws as implemented, and the laws in the context of the society. The written and visual sources used in the course bridge the gaps in the traditional study of comparative law. Most reading assignments are supplemented by a related visual resource that develops an actual issue that has been confronted or is being confronted in a foreign society as well as ours.

Law in Comparative Cultures is divided into four sections. Although each section after the first one can stand alone, the goal is for the student to become increasingly aware of law and culture through a step-by-step

development from issues that can be examined across domestic legal systems to issues that require transnational and international legal resolution. Section 1 addresses the civil law tradition. Section 2 addresses law in diverse cultures. Section 3 addresses the religious/ temporal law dichotomy. Section 4 addresses transcending sovereign legal systems.

One of the great advantages of this course is its flexibility. First, the course can be taught easily with innumerable sets of subject variations. Freed from the specialised structure of traditional comparative law casebooks, students are exposed to a variety of legal systems and the rationale for the distinctions between them. Ultimately, the student realises that understanding the disparity between the civil and common law systems does not resolve the problems that arise from conflicts within legal traditions, much less between other legal systems outside the civil/ common law dichotomy.

Law in Comparative Cultures can play a major role in the restructuring of the law school curriculum. By jettisoning the twentieth-century comparative law notion that students should master the intricacies of the civil law, this course shifts the emphasis to the abundance and diversity of legal systems that should be studied. *Law in Comparative Cultures* can help us shift from the parochial focus of twentieth-century comparative law to the global perspective of twenty-first-century legal education.

SKILLS

A digital training program for advocacy

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The Open University of the Netherlands, Maastricht University and the Catholic University of Louvain (Belgium) have developed a multimedia course on

advocacy, as a Consortium project. The special position of the Open University has played an important role in establishing the Consortium. At an institution offering distance learning, efficient use of the various educational media is both a necessity and practice.

The Open University OTEC (educational technology expertise centre) offers other Open University departments assistance in realising ideas and designs for innovation. Therefore, the Open University continuously focuses on reflection and innovation in the area of education technology: designing, with the aid of ICT, study processes and course objectives or parts thereof, which thus far are achieved by such other means as written materials and/or face-to-face learning.

Furthermore, in order to bridge the gap between working and learning, the development of competency-based learning is increasingly important. The present multimedia course on Advocacy can be seen as a result of the processes mentioned.

The programs of the three participating faculties of law already included advocacy in one way or the other. It was felt, however, that attention was more focused on the content of legal issues rather than on advocacy skills per se. The reason for this can be found in the fact that teaching these skills is very time-consuming and requires considerable teaching capacity. From this ensued the self-instructing, interactive electronic learning program 'Counsellor, Be Prepared'. The course is a concrete and practical illustration of how ICT can be used in education. Moreover, it shows how skills can be taught with the help of a computer.

The 'Advocacy' course consists of three parts. The first comprises the electronic self-instructing program which consists of three CD-ROMs, a textbook and such other materials as a reader and client files which must be