

## Didactic strategies for teaching law through the culture of peace

### Estrategias didácticas para la enseñanza del derecho a través de la cultura de paz

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#### Abstract

This article is a review work where nine didactic strategies are integrated to answer the question: *What are the didactic strategies in the teaching of law adaptable to the culture of peace that can contribute to the achievement and development of individual and collective learning necessary to outline a more pacifying and less adversarial lawyer?* Under a documentary review, within the interpretative paradigm, with a qualitative research approach guided by its scope of exploratory nature in the search for teaching strategies that allow enriching the teaching work with its application in the classroom and thus contribute to a change of approach from a teaching of law for litigation to a pacifying teaching of law guided by the culture of peace. In order to answer the question, we sought to integrate them into three categories: pacifying strategies, collaborative strategies and strategies that promote individual and collective learning. Leaving the development of guided sequences under these strategies to the teacher-reader.

Teaching of law, Didactic strategies, Culture of peace

#### Resumen

El presente artículo constituye un trabajo de revisión donde se integran nueve estrategias didácticas que atienden a dar respuesta a la pregunta *¿Cuáles son las estrategias didácticas en la enseñanza del derecho adaptables a la cultura de paz que pueden contribuir a la obtención y desarrollo de aprendizajes individuales y colectivos necesarios para perfilar un abogado más pacificador y menos adversarial?* Bajo una revisión documental, dentro del paradigma interpretativo, con un enfoque de investigación cualitativo guiado por su alcance de carácter exploratorio en aras de una búsqueda de estrategias didácticas que permitan enriquecer el quehacer docente con su aplicación en el aula y con ello contribuir a un cambio de enfoque partiendo de una enseñanza del derecho para el litigio hacia una enseñanza del derecho pacificadora guiada por la cultura de paz. Para dar respuesta a la pregunta de se buscó integrarlas en tres categorías que son, estrategias pacificadoras, estrategias colaborativas y estrategias promotoras de aprendizajes individuales y colectivos. Dejando al lector docente el desarrollo de secuencias guiadas bajo estas estrategias.

Enseñanza del derecho, Estrategias didácticas, Cultura de paz

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## Introduction

For centuries, the teaching of law has been considered to train the apprentice to litigation, to the constant struggle with others, to the fact that he must obtain a legal ruling in accordance with the claims he is seeking and that by achieving it he has won and thereby obtained social recognition as an excellent lawyer; However, the current situation requires a lawyer who knows how to adapt to current needs and with a legal system that has been enriched with alternative dispute resolution mechanisms without the need to go to court, he or she needs to be trained with flexible thinking with a pacifying approach where everyone receives what is fair and that the practice of law is precisely the access to law and justice of what corresponds to each person. Under this premise, this review article integrates nine didactic strategies that can be applied under the perspective of the culture of peace and thus contribute to the formation of a graduate profile of the lawyer that is necessary in current times. The aim is to contribute to a paradigm shift in the approach to teaching law and to generate reflection on how law can be taught in the classroom with pacifying, collaborative and problem-solving strategies.

## Background

The classrooms where law is taught, undoubtedly in current times, still have a great deal of traditionalism, influenced by Roman law, where a legal expert transmits his knowledge to passive students who, without a didactic methodology, pour content into their disciples (Rodríguez, n.d.). As indicated, the teacher was the one who had the learning and who should pour that knowledge into his students as if it were a recipe; nowadays, it is necessary to change the role and take a back seat in the process, but that does not mean that it is no longer important, since it must be implemented and it is through the didactic process that is developed where the procedures to be executed are based, of course, in a flexible way so that learning is orchestrated.

Therefore, the teacher has the great challenge of exchanging with the students the active role of the students so that they become agents that promote their knowledge and build knowledge, but also with a culture of peace that ensures the right of all, separate listening, reasoning and acting according to the situation needed by a legal professional.

By way of example, the Autonomous University of Mexico [UNAM], points out that the graduate of a law degree should have a comprehensive training, indicating within the features of the graduate profile, profound responsibility and social commitment, understanding of legal problems in the local, national and international spheres; It also points out that they are prepared and interested in defending, protecting and promoting human rights and gender equality, they are empathetic with the legal problems that affect people in vulnerable situations, they are also supportive and are in favour of collaboration and contribution to the development of an inclusive society without discrimination, democratic, tolerant, equitable and free, which always puts justice first in the resolution of conflicts. (UNAM, 2022).

Similarly, in the Law Degree at the Centro Universitario del Norte [CUNORTE] of the University of Guadalajara [UDG], they currently have features in line with current needs in terms of research, management and consultancy functions, the procurement and administration of justice and, logically, the application of the law to specific cases (CUNORTE, 2022); However, there is still a debt to specifically address the issue of the culture of peace, and this, without the need for it to be explicitly mentioned, requires a change of paradigm in the teaching of law in order to incorporate strategies that support the student in a transversal way in the construction of a non-traditionalist vision, forming pacifying subjects who watch over human rights.

Undoubtedly, there is a difference between these two institutions within the graduate profile of the students of the law and the different posture that is held between the lines, so we turn to a third party to show how the issue of conflict management is viewed in a peaceful manner that opens the way for the application of other forms of conflict resolution.

The University of Colima [UCOL], presents in the characteristics of the graduate profile of its law students, that is a professional who understands the theoretical foundations in legal science, identifies, analyses and explains the legal situations that are presented to him/her; bets on the development of oral and written communication skills and can develop in the area of procurement and administration of justice; the student considers for the exercise of his/her profession the ethical principles, the perspective of human rights, and social responsibility. (UCOL, 2022).

In view of the above, the graduate profiles contemplate various features and each one of them points out attributes that the graduate of a law degree should have, but the development of each one is difficult because the variety of universities corresponds to an enormous diversity of practices carried out by teachers and the development of the necessary skills for the practice of law under the culture of peace makes it more complex.

### **Theoretical references**

The issue of teachers in the university setting does not always have a pedagogical basis, but specialists in a certain area master the content, but miss out on the rich and interesting part of possessing strategies and techniques for teaching law. Skills as necessary as mastering the planning of activities with a pedagogical purpose and incorporating them into the didactic process properly articulated to obtain intentional, deep and meaningful learning for students.

In the words of De la Herrán (2015), didactics at the higher level is conceptualised as "...the field of knowledge and communication that occupies the art of teaching at university" (p. 12) and it is up to the teacher to implement strategies and techniques at hand to develop the desired learning in students. At the higher level, according to Roig-Vila and Cobos (2019), they can incorporate practices, research, excursions, surveys, interviews, all skilfully designed so that the student integrates knowledge into their knowledge, but also develops skills, abilities and, above all, values in a competency-based environment.

Therefore, teachers must be clear about the theories that underpin the strategies and/or techniques they implement in their practice, and for reasons of an intention outlined in the following section, Vygotsky's socio-cultural theory is integrated, given that the subject learns with others (Rosas, 2008) and that is when learning is enriched by being supported by others to consolidate knowledge that is not yet permanent or significant, but that by interacting with others strengthens and balances their learning.

Both learning and practising law is a socially considered activity, but it also has a purely cognitive character, since the student or legal professional has to search for the applicable norm and interpret it in order to assert claims and, for the sake of a culture of peace, must reflect by thinking and rethinking before acting and thereby bring out the cognitive subject that he is in order to act prudently, empathetically and above all without placing personal judgements that hinder each person from obtaining what corresponds to him by law or justice.

For students, it is not enough to know processes and laws, but they must take into account what is happening around them with the characteristics of the case, causes, consequences and thus seek solutions that are relevant to the specific case, and this is where cognitivism becomes relevant, as it allows students to internalise the information provided by the context, giving them the opportunity not only to learn content through this process, but also ethical issues and values to understand reality in a pacifying way that deals with conflicts in accordance with unrestricted respect for human rights.

Arango (2007) rescues the words of Pope Paul VI and mentions that the responsibility for strengthening and promoting peace lies with four categories of people, educators, communicators, politicians and humanists; and that likewise, it is not only enough to see peace as a matter of nations, but that both collectively and individually, care must be taken that no type of falsehood contaminates relations with others.

Under this premise, the United Nations Educational, Cultural and Scientific Organization [UNESCO] created the Chair for Peace, Human Rights, Democracy and Tolerance in 1966, and in 1999 the United Nations [UN] adopted the Declaration on a Culture of Peace. (Ibidem).

## Method

This article is a documentary review in search of didactic strategies to enrich the teaching of law that should have the quality of changing the approach of teaching law for litigation to a pacifying teaching of law guided by the culture of peace.

To this end, the interpretative paradigm is used, with a qualitative research approach guided by its exploratory nature (Hernández, 2014) to investigate, analyse and present in this paper the strategies that meet the considerations mentioned in the previous paragraph and, therefore, contribute to the teacher and students of the law degree, whatever the context, having tools to address teaching and learning under a humane approach that ensures the culture of peace.

The guiding question is the following: What are the didactic strategies in the teaching of law that can be adapted to the culture of peace and that can contribute to the acquisition and development of individual and collective learning necessary for the development of a more pacifying and less adversarial lawyer?

In order to answer this question, a random search was carried out on the internet, from which nine strategies were retrieved that can be applied virtually or in person and that have dialogue, reflection and internalisation of both individual and collective knowledge as part of their development, given that the aim is for them to be viable proposals for changing the perspective of teaching, learning and practising law.

The categories constructed a priori for the analysis and location of the strategies are as follows: Peacemaking strategies, collaborative strategies and solution-promoting strategies.

## Didactic strategies for teaching law through the culture of peace

Didactic strategies is a concept that goes beyond developing activities or executing tasks, it must be properly intended and it is what vertebrates and is executed with the implication of making the objectives or contents to be developed in the subjects a reality; therefore, it will be through it where the student, regardless of the career, where the student enters into a process of accommodation of learning since "...the new knowledge enters and establishes connection with what he/she already knows" (Moreno, 2009).

The strategies that have been selected for this research work are outlined below:

### *Peacemaking strategies*

A lawyer who is always ready for a fight can hardly be a good peacemaker, which is why he/she must develop from his/her academic training traits of mediator, conciliator and peacemaker; among the most elementary traits are empathy, impartiality, non-judgement, active listening, knowing how to paraphrase what others have said in order to build bridges of dialogue between those who are facing a conflict. Hence the importance of teachers taking care of their students' profile and, in turn, creating conditions to develop the aforementioned skills.

In this context, the following three strategies have been selected to help build this profile.

#### *a) Legal debate*

Even though it is conceived as a challenge or challenge where in a competition between antagonists, according to Cattani (2003) "it is possible to debate, even on issues that are considered impossible to resolve with the aim of persuading others" (p. 33). Whoever reads this may wonder how it is possible to achieve a profile for peaceful conflict resolution through persuading the other, where the culture of peace mediates, but it is precisely here that students must develop their oral skills in order to transmit their ideas and recognise that they are not always right, that in this first strategy they must combat their disinterest in confronting ideas, but in this way they will be able to move from debates to discussion, dialogue and talk.

The role of the teacher is fundamental, because he/she must encourage them to adopt a critical stance and a reasoned confrontation, plan the format of the debate, the times, the roles they have to play, taking care that the jury is impartial and that what is proposed from the beginning is valued according to the intention of the debate. It can be applied in procedural matters, but also in theoretical subjects that involve the appropriation of legal institutions, challenges of law or its prospects.

Finally, it is not precisely the outcome that is the success of the debate, but the process of listening, reasoning and identifying valid argumentation.

#### *b) Development of legal research*

As Couture (n.d.) said in the lawyer's decalogue "Law is constantly changing. If you do not follow in its footsteps, you will be a little less of a lawyer every day". Well, research is the ideal way for the student to study, laws change and the student must foresee that the needs of society determine these changes.

By developing methodological processes in the analysis of certain subjects, the law student will be able to clarify that everything involves a process, that it is the method that guides the results and that only through the application of the scientific method are valid results obtained. With this, he/she will keep his/her thinking open to other ideas constructed and to be constructed, keeping up to date in knowledge and interpretation of the norm. The pacifying profile or development of skills under the culture of peace is recognising the importance of changes in the law, that not everything has been said and that it is constantly necessary to contribute knowledge to ensure that the rights of all are safeguarded, since only under this vision are the rights of minorities recognised, which must be included in the legal norm.

Whether it is dogmatic or empirical research, the important thing is the generation of knowledge, whichever approach is chosen, scientific knowledge must prevail, since this "...is expressed through a system of symbols constructed by the scientific community to learn the reality in an area of knowledge; thus each science constructs its own artificial language containing signs of ordinary language..." (Bunge, 2007, p. 42).

#### *c) Theatrical performance*

Thinking about theatre in a school of law is a little difficult, since the performing arts have been contemplated in other areas of knowledge, however, putting oneself in the representation of a character, trying to understand how Rome was built, how the first legal institutions arose, how to adjust the requirements for the public function from the legal norm or even the challenges of the original constituent power to integrate the first Magna Carta of an independent country, this can represent a challenge of appropriating the characters, of trying to understand what they were, the essence of them and with this to present personalities. As Aparicio said: "...science gives us the necessary tools to have a profession that allows us to work with dignity. But art is a torch that leads us along the inner paths until, within its immensity, perhaps we will find ourselves, and in a moment we will glimpse an answer to those questions that haunt us awake and asleep and that no voice has had the audacity to answer (quoted in Ruiz, p. 4).

#### *d) Collaborative strategies*

The culture of peace cannot be detached from knowing and understanding others, that we all support each other and build a better world, where there is room for diverse ideas and that these are always implemented for the benefit of all. Collaboration is defined as working with others in the realisation of something, and it should be borne in mind that collaboration and cooperation are not the same thing, that they both add up to working with others, but in different ways. Many confuse by pointing out that to work collaboratively is to run something apart and then bring it together, when it is the process and the results that add up to individual, but also group constructions.

Below are three strategies that allow for working on individual learning and collaboration with others:

a) *Collaborative learning*

This strategy, based on sociocultural theory, seeks to break the inertia of individual learning and development of individual sociability and coexistence with others, since this leads to create situations of connectivity between students and thus contributes to effective learning, it can be mentioned that collaborative learning "is the most representative expression of educational socio-constructivism... and highlights the constructive value of socio-cognitive interaction and coordination between learners" (Rosselli, 2016, p. 244).

Let us imagine a law classroom teaching with techniques articulated by this type of learning, dialogue tables, elaboration of diagrams, mind maps, all this with group work, giving work roles, where each student, in addition to learning, gives others their ideas to enrich their own. Solving a legal situation can help them to adopt positions that involve working from the individual cognitive level to the social level with their classmates. It is clear that, by coordinating with others, the student creates consensus, takes advantage of other people's points of view and little by little the appropriation of knowledge of the training in process.

The teacher should work on accompanying the group in this type of learning, leaving the individual role of the students in the background and working so that the group as a whole is the protagonist of the teaching process, supporting those who are in the process and encouraging those who are achieving learning.

b) *Cooperative learning*

Cooperation, as mentioned above, is different from collaboration, since in this type of learning the purpose is to get students to help each other to achieve their goals, so it is a student-centred instructional approach, making use of small working groups that will allow them to work together on tasks to maximise their learning and that of other classmates (Osalde, 2015). Law students are usually competitive, one might even say that it is by

nature of the entry profile, but this does not mean that it cannot be mouldable, since in addition to learning content, the teacher must form the character of their students and with this type of articulating strategies of their teaching work, the possibility of obtaining traits of cooperation necessary in society can be obtained.

The richness of this strategy lies in the fact that the heterogeneity of the teams for the development of the activities can be developed through innumerable instruments or integration products; in the field of law, they can resort to time lines, diagrams, mind maps, just to give an example, since the imagination of the teacher determines the nature of the expected product in accordance with the objectives and competences to be developed in the students.

c) *Legal reading workshop*

Universities usually offer extracurricular activities and the reading workshop is one of them; but in the classroom it is the appropriate scenario for the selection of readings according to the subject matter and these are then discussed in plenary, in a logical order of analysis, for example, a list of considerations can be designed to be carried out such as appreciating relevance, evaluating court rulings, analysing the elements of rights, interpretation and framing of the law, etc. The student, in addition to assessing the results discussed, can also make interpretations of another way of acting, of finding points of tension or analysis to improve the application of the norm.

Whoever wishes to apply it in the classroom can design as many sessions as required in their planning, selecting the readings, whether real (judicial and non-judicial), fictional or universal literature, as even the novel genre allows for legal situations to be analysed.

d) *Strategies to promote solutions*

When faced with a conflict, the essential thing is to look for a solution that corresponds to the rights of both parties, in a peaceful way through dialogue, so it is essential that the law student understands the nature of the facts, detaches from an authoritarian role and adopts an empathetic ethical sense with what is happening; therefore, this third category of strategies aims to contribute to the development of the above in the students and this can be achieved through facing problems and looking for a solution. Three selected strategies for teaching law in a culture of peace are listed below:

a) *Problem-based learning*

This type of strategy, which is based on learning rather than teaching, is derived from the fact that when the student is faced with a situation that forces him/her to investigate and bring previous knowledge to the moment in order to solve the problem posed by the teacher. Problem solving helps them to make decisions, work collaboratively with others, develop communication skills and therefore develop other skills such as precision, tolerance, decision making, etc.

Problem-based learning [PBL] involves active, cooperative, student-centred learning associated with highly motivated independent learning (Exley and Dennick, 2007). In order to achieve a peaceful and motivating resolution, the teacher becomes a guide and instructs the challenges to the students, ensuring that the evaluation includes features that involve not only the disciplinary, but also the attitudinal and value, since it is necessary to shape behaviours and that they do not only want to solve to win, but to contemplate the other when there are other parties. Common situations that involve the application of the norm and thus enhance the opportunity for resolute thinking.

b) *Case study*

This strategy is not only to solve problems, but also to analyse, to study how a legal norm was applied or to analyse the interpretation and considerations taken by the judge for a resolution, recognising the importance of this type of work in the classroom.

There is an active role on the part of the students which is of vital importance, but it is the teacher who must be creative and concerned with the integral education of his students so that they develop the ability to learn to live together, analyse common situations and resolve the situations they are presented with using ethical actions.

This allows students to try out valid answers and solutions with the conviction that these will be situations that they will deal with in the future; but once again the ethical issue to be developed is present, since when reading the cases, they will always have to make ethical and legal reflections on how they proceeded or would proceed in the case of events presented in the future; therefore, the ethical decisions they make will gradually form critical thinking open to dialogue and conciliation.

c) *Legal clinics*

The practice in the study of law has always been a claim of students in the classroom, immediately they enter the career of lawyer they want to be in cases and know how to solve them, but it is until they study the common core of subjects when they begin to know procedural issues, thus, it is as important to know the basics of law as to take it to the execution. Therefore, transforming the classroom into a laboratory of analysis, changing the traditional way of teaching law to a constant practice of the students is enriching and supports the change of paradigm in learning; for this, the students first identify the problem, classify it according to the subject, elaborate a diagnosis and analysis, to submit to plenary the proposals that they integrate according to their knowledge, there will be experts who respond to them and invite them to reconsider their solutions, taking into account theoretical, ethical, legal and disciplinary aspects.

This type of exercise can be done not only in the classroom, but also as extracurricular activities and summer activities when students are interested in other types of activities. Now, how to shift the focus from a purely legal solution to a comprehensive solution that looks after human rights and society itself?

Again, the role of the teacher is the answer, since it is not conceivable that students will see the law differently if teachers are the ones who point out that they are wrongly carrying out the analysis, if they are evaluated in a traditional way and if there is no mediation and appropriate language to obtain what they are looking for.

### Conclusions

Undoubtedly, this review obeys more than to enumerate, but to generate inertia to change the approach to teaching law, the so-called pedagogy of peace, must be present in the classroom and it is not only to teach peace as content, but as a skill that must be developed with law students, we must cultivate values such as justice, cooperation, solidarity and empathy, since only then will they make decisions in a non-violent way.

We must reflect on learning to study with others, so that we can learn to live with others, we must understand that in the classroom we contribute to the development of the personality of future lawyers and that if we teach them litigation without consideration, the future lawyer will not be restrained in many situations that need to be assessed before acting.

For this reason, it is necessary to generate experiences in the classroom, so that they have references in decision-making, to support them in becoming aware of how to manage conflicts peacefully, both collaboratively and cognitively, the student will develop critical thinking, a relevant and rational argumentation according to the needs and will not fail to watch over the rights of vulnerable groups, since they were formed with tolerance and empathy from the teachers who supported them in the disciplinary learning.

The task is arduous when trying to change the paradigm of teaching law, so these are only ideas for the use of these strategies presented, but undoubtedly the teacher, when making his didactic planning according to his learning unit, should make use of all strategies, techniques and/or activities necessary to achieve a lawyer's thinking formed through the culture of peace.

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