TEACHING ACROSS EUROPE: HOW TO ENGAGE STUDENTS IN AN OVER-STIMULATED AGE

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ABSTRACT

Italian universities would greatly benefit of some changes in the traditional way of teaching law, taking inspiration from tailor-made teaching examples developed throughout Europe. Small seminars and tutorials could complement lectures *ex cathedra* to foster interaction. Solving case studies could be a more effective way of assessing students' understanding than oral exams. Playful teaching techniques, such as debate competitions or moot-courts, would engage students and develop their learning capabilities, and test them during the course, such as research papers, policy memos or press reviews. An additional commitment to structure and methodology would improve the quality of final dissertations and theses. Overall independent and critical thinking should be better valued.

KEYWORDS

Tailor-made, independence, critical thinking, interaction

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1. *Obtain and retain students' attention*

During my teaching career I have worked in different departments and institutions: the *Institut d'Etudes Politiques* in Paris, the *Université Libre de Bruxelles* in Brussels, the Faculty of Law of the University of Maastricht and the John Cabot University in Rome. In different occasions, I have acted as lecturer, tutor and thesis supervisor.

I have always tried to be interactive in my lecturing style, even when not explicitly requested by the university. I have anyhow firstly tried to improve in finding a better balance between the time I talk and the interaction with students: pause more often, encourage questions and leave more space for debates and Q&A sessions.

A way to keep students awake and engage with them, especially in Belgian or Italian universities where students are not used and often reluctant to interact, is to walk around and stop in front of them.

I avoid standing still at podium and reading out written notes, which is often boring and useless. Yet, I like to alternate using power points and the traditional blackboard. I would like to improve the style of my power points and make them lighter in the text and funnier using images. I think power points should also be shorter, stressing only the most important concepts, so that students in each lecture are not overburden with information. Using videos and/or other audio-visual materials to make lecturers even more interactive and pleasant could be an additional strategy.

Another thing I need to work upon is the pace of my talking, as I tend to go very fast. That has been particularly important where I had to teach courses in English in Belgian or Italian universities where students' level of academic English is rather poor. To avoid losing students' attention I try to repeat the most important words and concepts. I avoid translating, which is of no use, as they need to learn also the legal vocabulary for the purpose of the course.

The biggest challenges I have encountered is for students to read the material before the lecture and keep them engaged when a topic is particularly complex. Students often want the lecturer to provide knowledge, which has been selected for them rather than engaging critically with different topics and find their own understanding of things. This is particularly the case in countries where education revolves mainly around lecture-based learning.

It is certainly easier for a lecturer to read a power point aloud, but this is my ultimate classroom strategy. It fortifies note-taking and memorisation skills (which works as the best learning method only for certain students) but what else? As a passive format, creativity, critical thinking, analysis, and other more active ingredients in a valuable education certainly receive little attention.

Probably the main argument levied against lecture-based classroom styles involves how little it truly engages students. Breaking up the monotony with activities such as question-and-

answer sessions creates a more dynamic learning environment with memorable content. Also because students' attention span does not last long. Punctuating lectures with interactive moments might be all a teacher really needs to get students learning and retaining knowledge. Solo lecturers also tend to be biased as they provide only the lecturer's perspective on different issues. If a teacher just stands there talking to the class, there is no real way to fully grasp whether students understand the subject until assignment or test time rolls around.

Being aware of the limits of a lecture-based learning environment I try to devise my lectures so that they are never only traditional *ex cathedra* ones. When I am in charge of a course, I try to alternate lecturers with smaller settings such as seminars, tutorials or workshops where students can better interact.

When I started tutoring, I had to address a number of different challenges.

There is a need to make sure students come prepared to class and read the material before. This is a formal requirement in Maastricht for most courses. I try to make sure all students participate and not always the students who are clearly prepared. I avoid scolding students in front of their peers, but I make clear I do not accept students in class who just come taking notes. I try to explain that is for their own sake as it is better to study the material bit by bit and address different assignments, as exams will take the form of both essay questions/multiple choices and assignments/case studies.

It is difficult to make sure the same students do not talk all the time as some see their participation in class as a way to demonstrate their knowledge to the tutor and do not see the learning process as a common endeavour. Some students are bothered by the fact colleagues are slow in understanding and they tend to misbehave. I thus value the fact they come prepared trying to have them lead discussions in class and help others to find a solution rather than providing the solution they have developed.

A strategy I use to keep students engaged during tutorials is to build a mind map with them on the board for the most important legal concepts/definitions, articles and/or cases they have to remember for the purpose of the exam. I do not write on the board my own mind map copying my notes. I make sure the class builds collectively its own and everyone participate at its best. I avoid using ppt in tutorials, which are too static to engage students' discussions.

Students' attention and commitment is even more difficult to obtain in larger classes. To face this challenge, I subdivided the class in groups of 4-5 students and had them work on a specific in-class assignments.

It is a greater challenge to teach a course (either as a tutor or as a lecturer), which is not your core specialty because you feel you never know enough before stepping into a class. In the end I realised my role was to coach student through the process to help them critically confront different issues.

Teaching a course in an interdisciplinary environment to students who are not lawyers and thus not familiar with legal concepts and vocabulary is an additional challenge. I had to be particularly flexible and adapt the content and the speed of tutorials to students' needs; make sure I give them sources to find more information on basic concepts; provide references to legal databases where they can access both primary and secondary sources, as support to the course and for the purpose of conceiving their written assignments. At the beginning and end of different tutorials I also ask chosen students to explain their peers a specific concept or legal term. I have also shortened tutorials and lectures to focus and repeat the most important points rather than addressing in a comprehensive manner everything.

During the last few years as lecturer and then assistant professor I have been supervising many Master and BA Thesis, both in English and in French, in Maastricht and at the ULB in Brussels, in EU law and comparative / European criminal law.

Supervising a thesis leads to the building of strong relationships between supervisors and supervisees, who are mutually enriching. Writing a thesis is the first step to familiarise students with research but it is also a means to assess student competence in academic research and in

developing its own transferable skills. The quality of the final product is highly dependent on the supervisor's skills, who but not only be an experienced researcher, but also familiar with research methodology.

When students ask me to become their research supervisor, I first require a research question and a short abstract of what they want to write, an outline of their proposed work and a preliminary bibliography. I then meet them and provide feedback or discuss feedback I sent them in writing. I do not let them start writing before we agreed on a research question and outline. I consider it otherwise a waste of time for both of us. During the first meeting I make clear to them what are the criteria I use to assess the quality of their work: (1) clear research question and line of argumentation; (2) good introduction (teaser, research question, methodology and short outline) and conclusion (short summary, answer to RQ, opening to future research/policy developments); (3) structure, including headings and subheadings, page numbers (avoiding stream of consciousness essays); (4) sources (quantity, quality, variety and up to date sources); (5) proper referencing styles and bibliography (following coherently a specific style guide); (6) good balance between arguments and descriptive sections; (7) originality.

I particularly value students' independence in conducting and organising their own research. I also ask students to let me know whether they prefer sending me their entire work at once or one chapter after the other and request a schedule with the deadlines they wish to commit themselves to during the research and writing process. At the same time, I value reaction to feedback.

Students often struggle in structuring their thoughts. Many read a lot and are on the top of their materials but, when it comes to structure, have no clue of what they really want to say and how they want to argue to support their claims to avoid bold assertions. I thus insist with all my students on methodology and structure no matter how good or interesting their idea.

2. *A tailor-made learning experience*

2.1. *"Institutions and policies of the EU" – John Cabot University*

I have inherited the course from a colleague who went on sabbatical, and thus built my course on the basis of what he had done before, but also revised it profoundly. I felt not competent in the political science elements he addressed, nor particularly interested in theories of EU integration. I have thus given my course a legal approach, focusing on institutions and policies of the EU in terms of how institutions function and interact, what are the most important principles of EU law, how policies are devised technically etc.

The choice was courageous but also challenging. Students were at times lost. John Cabot University is a liberal arts college; hence students have no experience in legal concepts and terminology. Thus, I had to make sure I repeated things many times and summarised concepts both at the beginning and at the end of each lecture. I decided not to address certain topics, which were way too complex for the target audience and instead devote more time to make students aware of trends behind different legal technicalities, putting the law in context.

Moreover, three students in my class were American on an exchange programme and had no prior knowledge of EU institutions. Many things that for EU citizens were thus obvious seemed absurd. This challenge was however an element of interest for the course as the completely different perspective of American students was thought-provoking for EU students. Discussions were always heated.

In order to make sure I could test students' progress during the course, I have requested them a number of different exercises. This fostered their writing skills and encouraged them to use their professor (in class and during office hours) and other communicative resources (as much as of the library and its databases!) for this purpose.

When marking the mid-term exams, I realised students' answers were very vague. The essay questions I gave them were deliberately not too focused so that each student could pick his/her own approach and give concrete examples to support his view. Yet students interpreted my choice in the sense that superficial answers were enough to pass, and many exams were comparable to a pub conversation. I thus gave them thorough feedback after the mid-term exam in class and made sure they could better understand what I request. When devising essay questions for the final exam I paid greater attention to hint that I wanted precise, specific and concrete answers.

In order to ensure the best possible connection with current affairs for students to grasp why and how EU institutions and policies develop in a certain manner, I have asked them to prepare a press review and a policy memo.

The press review had to be presented in class in front of the student. Each presentation was done in pairs as I wanted it to be group work and each group included an EU and an American student for both perspectives to emerged clearly. The interaction between students went very well. They also had to lead a short Q&A/debate session after their oral presentation on the specific topic and all students managed to have their peers actively involved.

The written version of the press review was however not great, and grades were low. Many students treated it as an essay question. I deliberately gave them little guidelines on what a press review should look like as I wanted them to do some search on the internet / library, but I probably should have.

The second exercise was a policy memo.

This was very difficult for them to understand and giving them little guidelines was a mistake. American students who had done the exercise before performed better; EU students were lost and mostly compiled something between an essay question and a very short research paper.

I was very happy about students' performance on the research paper. They had troubles in the identification and drafting of a research question and structuring their thoughts, but the overall outcome was good. The department should provide support on research and writing skills. I was happily surprised that most of them chose very legal topic for their research paper (choice of topic was free, to be submitted to me for approval only).

2.2. *"Négotiations Européennes" – Institut d'Études Européennes, ULB*

The negotiation simulation was at the core of an elective course of the Master in European Affairs, which comprised a more theoretical part providing for in-depth legal and theoretical basis while focusing on practical knowledge and applied skills.

The second part of the course was the negotiation simulation. Students were separated in two groups: Council and Parliament. Each student in the Council was assigned a country to represent and each student in the Parliament represented a parliamentary group. Students prepared their position in writing (and the written version of their work was 50% of the final grade). The simulation included two sessions for the Council and two sessions for the European Parliament, as it happens in real life during the ordinary legislative procedure. Each student had to participate actively and present his/her view (negotiation skills were 40% of the final grade).

Students were filmed during the sessions and after the first two sessions we held a "mystery session" were we showed them collectively their performance and provided feedback on how to improve.

The second two sessions were held in the Council and Parliament premises for students to have a further reality touch.

A stakeholder/lobbyist and an EU civil servant involved in the negotiation of the policy file were invited as guest lecturer during the course for students to ask questions and grasp different elements at stake.

We also graded additional activities, which took place after the course hours (such as students gathering, drafting of fake press reviews) to encourage students to prepare at best the negotiations.

Each year we chose a legal instrument (regulation or directive), which was actually under negotiation so that students could be inspired by existing debates.

Students experience first-hand how European institutions and Members States operate and negotiate, they get a good understanding of the working of EU institutions and the complex EU decision-making and negotiation process, analysing key aspects of a specific policy file, while improving presentation, problem-solving and negotiation skills. Negotiation constitutes a strategic skill for managers, administrators, civil servants and many other professional careers. What was also interesting for student was grasping the interplay between national law/interests and EU law/interests as well as the input of / conflict between different stakeholders in the negotiation process.

3. *Assessing the uniqueness of every student*

In order to assess/test students' understanding a number of complementary methods exist. I think best is to combine more than one method of assessment in grading each course.

3.1. *Written and oral exams*

In written exams I like the combination of multiple choice, which test basic knowledge of facts/dates, with essay questions, which require students to critically engage with the course material; and assignments/case studies where students have to apply what they have learned to a concrete case and try to find a solution.

Written exams give students the time to think what they want to say. During oral exams, some students freeze and are not good at improvising when they have no clear answer in mind, hence they perform poorly.

In addition, written exams allow for a more consistent assessment of students who have all to answer the same question. They could thus be considered fairer to a certain extent.

As lecturer, it is challenging to devise clear essay questions, but most importantly write an assignment/case which is not too difficult/too easy.

What I find also interesting are open book exams where students have all the study material at their disposal. It is not a matter of repeating the content of the book but rather elaborating it critically to answer a question or apply it to solve it a practical case.

The difficulty when marking a large quantity of written exams is to guarantee consistency. In order to do so I normally read carefully the exams' solution provided by the course coordinator (or solve it myself if a solution has not been provided), read them all and mark them with a pencil first. Then I rapidly reassess them on the basis of the general performance and consider whether an extra point should be given to a student. I often ask an advice to more experienced colleagues.

The danger with oral exams, which are the typical way of assessing students in countries such as Italy, is that students merely repeat almost by hearth what they have read in the book. Have them engage critically with something is much more complex.

In order to assess students understanding of a given topic during the course, written assignments are most useful. Students have to solve cases, which will be then discussed in depth during the tutorial and have a clear feedback on what would be expected at the final exam. This kind of written assignments are a very useful complement of the oral discussions, which take place during the tutorials. During oral discussions not everybody manages to follow every single aspect in depth or to develop his/her answer to a specific case in a comprehensive manner. What

becomes crucial then is to choose as written assignments topics which are the most important of the course so that it is certain all students addressed them in depth and with due care.

Confronting cases studies and thinking about scenarios and possible solutions, students develop skills they will need to build upon during their careers: identification of the problem or challenge; understanding and interpreting data; analysing information; recognising assumptions and inferences; thinking analytically and critically; exercising judgement; taking and defending decisions; understanding interpersonal relationships communicating ideas and opinions.

Using case studies for assessment purposes is useful for students to apply their learning, test newly gained skills, learn some more and demonstrate what they have learned. Students can apply theory to realistic situations; identify problems and challenges; demonstrate their ability to review facts, assess stakeholder relationships and see the "broader picture"; exercise their analytical, strategic, and problem-solving skills; offer a choice of options to approach a task or solve a problem.

I always accompany the case study with an essay question because some students are not at ease with the case study methodology and give them a chance to demonstrate what they have learned. I prefer essay questions to multiple choices. They relate to the reading materials, lectures, and discussions, and they require students to critically rethink, transfer and apply what they have learned. Sometimes multiple choices are more about elements, which have been memorized and involve a "guessing" exercise that has little to do with knowledge/studying. What I find difficult with essay questions is seizing them in a way they are neither too broad nor to narrow: Fostering students' focus on the answer, while giving students space to critically engage and elaborate upon the broad picture.

3.2. *Research papers*

Research papers of different forms have been involved in almost all the courses I have been teaching. I consider them particularly useful to test student interest in a field of study and their commitment in studying it; digging into different sources and find the more relevant ones; identifying a research question/line of argumentation and structure their thoughts/arguments around it. They are shorter versions of a BA dissertation and students have less time to devote to them but still enough (10 days or so) to make sure a topic is developed in depth and they can critically engage with what they have been learning during the course.

Sometimes course coordinators provide a list of topics so that the level of difficulty is more or less the same for all students. I have often asked students to choose their topic and submit it to me for approval. This second option is of course feasible when the number of students is limited, and the tutor/lecturer can engage with them to help them find their topic and also the best approach to tackle it. Allowing students to choose their own topic has the advantage they are possibly more interested in it and do more preliminary research in the field of study to find what could be considered both interesting and original. Their critical approach to the field is thus even more stimulated.

While marking exam questions, including case studies, is easier as the answer is clear, marking a large number of research papers and avoiding being influenced by whether we like the topic is more difficult. I have thus often devised a "grid" of assessment criteria and points to be attributed to each criterion, as a guide when marking. Criteria are to be applied to each case in a flexible manner and must not be rigid constraints.

I do not share the grid with students in advance, but I always try to highlight what I expect.

Some students would like a lot of indications. I try to give as little guidelines as possible both on structure and content as I want students to develop their own creative process and not to be biased or influenced by what they think I want them to write/think and how. If I realise a class have little or no understanding of methodology, I take the time to give them some basis knowledge.

I make clear as of the beginning of the process I am very happy for students to ask for feedback. I do not change grades as I take due care in the marking process.

One experience I have particularly enjoyed during the last few years was the students' conference organised during the course "EU Law: foundations" which gave students the chance to present their work in front of both their peers and some junior or senior academics (a large audience!) and receive feedback, and to have these possibly published.

Many students were concerned about the need to speak in public as for most of them it is the very first time. Yet the teaching team was encouraging and provided guidance and tips during preparatory weeks. Moreover, having more than one student working on the same topic allowed them to get together and discuss both for the purpose of the paper and for the purpose of the presentation. For the presentation they were even encouraged to do so as during the workshops they were divided in groups of four students and in each group two students acted as presenters and two as discussants.

The conference thus became a public speaking exercise as much as teamwork.

3.3. *Debate competition*

Another assessment method I experienced was that of involving students in a debate competition, organised during the Skills A course (Legal Research and Reasoning) in Maastricht.

The debate trains students' public speaking skills as well as their ability to give concise, spot-on legal arguments without fallacies. In this way, it combines reasoning skills with the argumentation and public speaking skills vital for lawyers. Students were encouraged to attend not only the session of their own rounds but to participate as audience in others' session.

During the first part of the course, we looked at argumentation in a formal sense (logic) and at informal fallacies that can occur in real-life arguments, such as reasons why arguments do not convince, or why they fail to present a proper syllogism.

When I had to teach students what legal fallacies are, I highlighted how they could use them in arguing with another person, identifying the shortcomings of his/her speech to "fight back". I often used metaphors from a fencing game to explain it at best and also to make the tutorial more engaging and less static.

The debate competition was then conceived as an oral exchange of arguments in an organised, formal setting. As opposed to exchanging arguments in ordinary discussion, the topic of a competition debate as well as the position of each participant was set beforehand. This topic was usually a proposition or statement, which the participant needed to either oppose or defend (e.g. the reintroduction of death penalty, legalising soft drugs, the need for Turkey to join the EU). Participants had limited time to present their arguments, had to speak in a set sequence of argument and rebuttal, or arrange their speech in a specific way (e.g. opening statement – arguments – closing statement). Unlike in a (moot) court setting, students do not "win" a debate by convincing a judge but by convincing their opponent and, perhaps more importantly, their audience. In this sense, debate competitions simulate real-life debates. In debate competitions, a debater does not necessarily argue his or her own actual opinion on the matter, but rather defend or oppose the proposition according to prior instructions. This is a good exercise for future lawyers, who will often find themselves in a position where they have to argue their client's position, which may not correspond to their own private opinion.

Debating and debate competition is, however, not only about the quality of the arguments that are brought forward. Debating is also a form of performance, which involves the art of public speaking.

Many students were not at ease with speaking in public both in front of their peers and in front of a panel of academics who would give them an assessment of their performance both in

terms of the quality of arguments and their structure/line of argumentation. In order to encourage students, we organised in class a number of games, taking the form of drama exercises, where they had to express emotions in front of their peers.

4. *What teaching has taught me*

There are two strengths in my teaching style I would highlight: flexibility and passion.

I have been teaching in two languages other than my own mother tongue. That has become paradoxically easier than teaching in Italian as my whole research and legal vocabulary is either in English or in French, but it requires an extra effort in preparing in advance to ensure I have the right words in mind and I am capable of improvising should I need to do so. What I have always avoided is to memorise or have speeches prepared for lecturers. I prepare bullet points or notes both for lecturing and for tutoring and use them to build the lecture as I speak.

I had to get accustomed to teaching in an international environment to international students. This is an extra challenge as students have different legal and cultural backgrounds. Concepts we address in class do not always translate well in their mother tongue/legal culture. Plus, students have at times difficulties with English and that requires extra efforts to ensure the entire class follows.

This in the end makes my work even more enriching as I consider myself lucky to have students from very different socio-economic and religious/ethnical backgrounds.

I have often taught legal courses to political science/liberal arts students. That has required extra flexibility in adapting the content of the course as well as the teaching method to the class. It took extra time to prepare and required not to take students' knowledge/legal reasoning skills for granted.

Students are very different in their attitude and behaviours. Younger students (e.g. first years) are less used to university environment and would envisage pampering approaches, which I think are counterproductive. One must thus make sure students are treated as mature individuals, as adults. At the same time scolding students is absolutely useless, especially in front of peers, and I had to come up with techniques to find a balance between pampering and scolding to ensure their educational development follows a maturity growth.

One thing I had to address was coping with students who misbehave and do not respect your authority and students who make up excuses to justify delays or not having worked. For me it is disrespectful both of my work and of other students and I had to identify strategies and different ones depending on specific context to address each situation.

Another problem was facing students' anxiety and fear of failure. Sometimes students need time and somebody listening to them. They need to be encouraged and to look at the broader picture and long term rather than focalising on the next day exam. Sometimes they just need an older sister rather than a tutor/lecturer. What is also difficult in these situations is to make sure other students do not make fun of fellows' anxiety or panic because that worsens the situation. Hence it must be well explained what the added value of fellow students could be as a source of encouragement so that the behaviour changes.

I had to teach at times students with disabilities. It was difficult to understand how much I should expect, and how much I can behave as I normally do in a teaching environment, letting students work independently and coach them to find their own solutions/understanding of a topic. In order to address this challenge, which I am happy I had to confront, as it was a good learning experience for me to, I asked for the advice of the staff specifically in charge of the matter who has always provided useful tips during the entire course. An unfortunate circumstance was a time where it was dubious where a student with a disability was taking advantage of his situation to have

some pity from the tutor/lecturer both during the course and at the exam. I had to discuss at length with my colleague and course coordinator to decide how to address the situation.

I have taught both courses ex cathedra as a lecturer in large classrooms with up to 300 students and interactive teaching tutorials. Small seminars or large groups require lots of flexibility to interact at best with students and make sure the class is not boring and students engage with the content of the course. This has allowed me to develop different teaching skills.

I have taught very different topics / disciplines and in different academic institutions. I have thus learned to apply a certain set of skills, which in the end I developed on my own, merging the most useful competences I acquired in different circumstances. I have been eager to take up courses, which I felt far from my domain of specialisation and study a lot to be prepared to lecture/tutor and also to overcome my own "impostor syndrome".

I deeply believe that teaching is not just about transmitting knowledge but also to inspire students as to the need and the manner to discover their own purpose and potential. As I have the chance as a professor to have an impact on the lives of my students, I take my role very seriously, am deeply committed to it and do it with passion. I am very happy when students tell me they found the discipline unattractive or opaque at the beginning of the course and by the end of it they want to know more and maybe decided to engage in legal studies when they specialised in something else beforehand.

Each student steps into my class with a valuable set of life experiences, which need to find a way to interact at best with others.

Passion has always been my best quality in teaching as it drives my positive energy and I am good at communicating it to students. It is not only a passion for my job but also a passion for learning more content-wise (in terms of new disciplines) as well as teaching methods. This is important as it pushes me to be open to change and to re-examine the way I teach and what I teach thoroughly and regularly. And that allows me to become more effective, adapting to different learning content and teaching environment and being as responsive as possible to students' needs.

5. *Concluding remarks*

Italian universities would greatly benefit of some changes in the traditional way of teaching law. Experiments could take inspiration from many examples of tailor-made teaching which developed throughout Europe over the last twenty-five years. Firstly, small seminars and tutorials could complement lectures ex cathedra in large auditoriums to foster interaction. Secondly, solving case studies could be a more effective way of assessing students' understanding than oral exams. Thirdly, professors could introduce playful techniques to engage students and develop their learning capabilities, such as debate competitions or moot-courts, and test them during the course, such as research papers, policy memos or press reviews. Finally, there is a need to better support students in writing their final dissertation and PhD theses, via an additional commitment to structure and methodology. Overall independent and critical thinking should be better valued, over memorising theories in textbooks and provisions in codes. Such a revolution in law teaching would make law faculty more accessible to our disciplines, favouring a healthy interdisciplinary approach to learning, and our university system more attractive to foreign students as well, thus fostering its internationalisation.