

# In Search of a Modern Confucius for Effective Teaching in Law: A Trial Project to Promote Interactive Learning in Taiwan

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## *Prelude*

*This paper is dedicated to Prof. Yoshiharu Matsuura, who is an enlightening teacher, a distinguished scholar, an admired character, a trusted friend and an inspiring partner. To honour the official retirement of Prof. Matsuura, I am more than delighted to accept the invitation from Nagoya University and write a complimentary paper to wish for his flourishing contributions to the global academia. My topic on “Confucius” is thus chosen to celebrate the wisdom and charisma of this modern Master, with whom I have pursued rewarding adventures in interdisciplinary and cross-national research and teaching.*

## I. Incentives and Purposes of Writing

As a Taiwan law professor on a global stage of teachers, one is often encountered with doubts on how effective teaching may be achieved in a talk-and-chalk classroom situated in a passive learning culture. To achieve effective teaching, modern pedagogies have aimed at active, reflective, independent, collaborative and transactional learning, which can be better preformed through well-designed eLearning (blended learning).<sup>1)</sup> Viewing the fact that Taiwan law

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1) See the widely quoted book of UK Centre for Legal Education: Burrige, R., K Hinett, K., Paliwala, A. & Varnava, T. (eds.), *Effective Learning and Teaching in Law*, Routledge, 1992.

students are generally passive learners, the western pedagogical aims seem to be unrealistic. However, in response to the government-initiated education reform since the turn of this century, Taiwan law professors and their affiliated institutions have developed projects and mechanisms to cultivate students for independent thinking and active learning so as to raise their competitiveness in the trend of globalisation.<sup>2)</sup> This paper will share the experiences of National Chung Cheng University (hereinafter cited as CCU) in promoting interactive teaching through electronic-and-classroom blended learning. Observations are made on the changing attitudes and behaviours of students in an experimental “eConfucius Drama Classroom”.<sup>3)</sup>

The main task of this paper is thus two-folded. On the one hand, observations are made on how “effective teaching” has happened in a Taiwan classroom with the help of western pedagogies of interactive learning; while on the other, arguments are made for culturally situated conversational teaching to be led by a “modern Confucius”. Based on the proposal for a modern Confucius to take the place of a western Socrates, this paper intends to introduce an alternative pedagogy for interactive learning of “the East”. It is also intended to invoke cross-cultural conversations on the promotion of student-centered higher education.

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- 2) See Wang, T-S [王泰升], Development and Introspection of Taiwan Legal Education : A Socio-Legal and Historical Analysis [ 台灣法學教育的發展與省思：一個法律社會史的分析 ], National Taipei University Law Journal, No.68, 2008, pp.1-40; Yen, C-A [ 顏厥安 ] & Wang, C-Y [ 王照宇 ], To Trigger the Structural Reform of Legal Education: Centered on Legal Education Bill [ 啟動法學教育的結構改革－以法學教育法草案為核心 ], Taiwan Law Journal, No.103, pp.219-252, 2008; Shee, A. H-L [ 施慧玲 ], Legal eLearning and Interactive Teaching – Focused on Active Learning and Multi-disciplinary Paedagogy [ 法律 e 化與互動教學 -- 著重主動學習與專業多元之教學方法 ], Keynote Speech, Conference on Legal Profession and Outstanding Teaching [ 法律專業教育暨教學卓越學術研討會 ], National Chung-Cheng University, June 23, 2007, revised paper published by CCU Legal eLearning Centre, 2008.
- 3) For the method to observe student performance it is helpful to refer to Best, A., Student Evaluations of Law Teaching Work Well: Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree, 38 Sw. L. Rev. 1, 2008. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.02.18.

## II. A Modern *Confucius* for Interactive Teaching

The idea of a “modern Confucius” was first presented in the 2008 Learning in Law Annual Conference with a joint paper on “Local Cultures and Global Influences in Taiwan Legal eLearning”<sup>4)</sup>. The underlying issue was how to promote active, reflective, independent, collaborative and transactional legal education within a Taiwanese context of rote learning. It was proposed that this could be done using Confucian principles of self-illumination, guided-independence and respect for the self-disciplined teacher. We thus argued for a modern Confucius to do the job of Socrates to achieve effective teaching \ conversational learning in Taiwan law classrooms.

Talking from my observations as a law professor, students in Taiwan are generally not active learners as defined by Le Brun and Johnstone: “A self determining agent who actively selects information from the perceived environment, who constructs new knowledge in the light of what the individual already knows...”<sup>5)</sup>. Instead, our students study textbooks and lecture notes to memorise “standard” texts and produce “right” answers in written exams. However, the tactical use of Confucius “authority” as a “respected” teacher may guide passive students to learn a specific issue properly followed by dialectic thinking and reflections. By sharing my experiences of teaching in the CCU blended learning environments, I intend to argue for a modern Confucius who may promote effective teaching in culturally situated ways.

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4) See Paliwala, A. & Shee, A., Enter the Dragon: AKA Confucian Conversations: Local Cultures and Global Influences in Taiwan Legal eLearning, paper presented at Learning in Law Annual Conference, University of Warwick, UK, 3 and 4 January 2008. This paper started as a conversation between the authors about eLearning in Taiwan. Prof. Paliwala has been a leading figure in the development of eLearning in the UK since late 1980s. Based on a common interest in student-centered legal education, our conversation is one of continuing collaborations.

5) Quoted from Le Brun & Johnstone, *The Quiet Revolution - Improving Student Learning in Law*, Francoise Jarvis., 1995, p.56.

### ***Modern Elaborations of Confucius Pedagogies***

Judging from the most popular Confucius teaching *LUN-YU* (論語)<sup>6)</sup>, Confucius method is quite interactive. He did not give long lectures on a subject. Instead he posed questions, cited passages from the classics and used analogies, then waited for the students to arrive at right answers after a process of self-illumination (self-cultivation). Instead of asking students to recite his teachings, Confucius requires students to learn actively and come forward with their own ideas. So he said, "I do not open up the truth to one who is not eager to get knowledge, nor help out any one who is not anxious to explain himself. When I have presented one corner of a subject to any one, and he cannot from it learn the other three, I do not repeat my lesson". (LUN YU: SU-ER 7)<sup>7)</sup>.

Confucius encouraged students to think while learning and vice versa as "(l) earning without thought is labor lost; thought without learning is perilous". (LUN YU: WEI-CHENG 2)<sup>8)</sup> To help with profound thinking, Confucius guided his disciples into a broad scale of learning (in modern words – interdisciplinary studies), not just the six arts and Poetry, but also morality, governance, proper speech, and so forth. His teachings aimed to cultivate great men with humanities (gentlemen 君子) rather than to make technical professional training, so he said, "The accomplished scholar is not a utensil."(LUN-YU: WEI-CHENG 2)<sup>9)</sup> By being a cultivated "gentleman" himself, Confucius was respected by students as the Master to be followed. In return, it is also a Confucius philosophy that a good teacher must learn to admire students' performances and respect their potentials to develop into successful thinkers: "A youth is to be regarded with respect. How do we know that his future will not be equal to our present?" (LUN YU: Zi

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6) Contents available at <http://afpc.asso.fr/wengu/wg/wengu.php?l=Lunyu>. Latest Visit: 2013.01.10.

7) 子曰：「不憤不啟、不悱不發。舉一隅不以三隅反、則不復也。」《論語·述而第七》

8) 子曰：「學而不思則罔、思而不學則殆。」《論語·為政第二》

9) 子曰：「君子不器。」《論語·為政第二》

Han 23)<sup>10)</sup>

But not all students (actually only few) would learn actively. Let's see how Confucius dealt with his only son PoYu: Once Confucius was standing by himself at the family courtyard and his son PoYu walked by with quickened steps. He asked, "Have you studied the Odes?" PoYu answered, "No." "Unless you study the Odes you will be ill-equipped to speak." Confucius reminded. So PoYu retired and studied the Odes. The other day Confucius was again standing by himself while PoYu crossed the courtyard with quickened steps. Confucius asked, "Have you studied the rites?" "No." answered PoYu. "Unless you study the rites you will be ill-equipped to take your stand." PoYu retired and studied the rites.(LUN-YU: LEE-SHIH 16)<sup>11)</sup> This event inspired me of what I termed "guided independent learning". With the authority of a respected father (also a teacher), Confucius took chances to lead his son to conduct independent studies. Facing my passive students who would not learn or think on their own initiatives, I also need to find or make "chances" to encourage active learning.

To further achieve effective teaching, constructive environments have to be created for delightful learning as Confucius said, "They who know the truth are not equal to those who love it, and they who love it are not equal to those who delight in it." (LUN YU: Yong-Ye 6)<sup>12)</sup> Also, as recorded in LUN YU, Confucius had set a model of asking questions in pursuit of practical knowledge: "When he entered the ancestral temple of the state, he asked about everything." (LUN YU: Xiang-Dang 10)<sup>13)</sup> . For teaching legal ethics, Confucius shared enlightening ideas to share: "In hearing litigations, I am like any other person. What should be done, however, is to refrain

10) 子曰：「後生可畏、焉知來者之不如今也？」《論語·子罕第二三》

11) 陳亢問於伯魚曰：「子亦有異聞乎？」對曰：「未也。嘗獨立、鯉趨而過庭。曰：『學詩乎？』對曰：『未也。』『不學詩、無以言！』鯉退而學詩。他日、又獨立、鯉趨而過庭。曰：『學禮乎？』對曰：『未也。』『不學禮、無以立！』鯉退而學禮。聞斯二者。」陳亢退而喜曰：「問一得三：聞詩、聞禮。又聞君子遠其子也。」《論語·李氏第十六》

12) 子曰：「知之者不如好之者、好之者不如樂之者。」《論語·雍也第六》

13) 子曰：「入太廟、每事問。」《論語·鄉黨第十》

the people from litigations." (LUN YU: Yan Yuan 12)<sup>14)</sup>

It is also worthy of noting that Confucius is willing to teach anyone with whatever background/talents, in Confucius words: **Conducting education with no classification (you jiao wu lei)**.<sup>15)</sup> It can be further elaborated for modern education to mean that students should not be judged at face -- a good teacher has to find ways to educate students of all kinds and should never give up on any student. Confucius once made attitude changes for observing a student Tsai Yu who had been described as "a piece of rotten wood".<sup>16)</sup> Therewith, for students who are not independent and reflective learners, the teacher is obliged to lead every single student to become one, or it will be something like "abandoning unarmed people to a battle"<sup>17)</sup>. Also, the teacher must not abandon the students to "void thinking" before they have learned enough. Or they may be trapped as Confucius has reminded: "I have been spending the whole day without eating, and the whole night without sleeping; occupied with thinking but of no use. It is better to learn first." (LUN YU: Wei-Ling-Gong 15)<sup>18)</sup>

### *Confucius Guidance vs Socratic Challenges*

We have seen much western literature criticizing the authoritarian Confucius teaching as opposed to the Socratic way of training.<sup>19)</sup> In general understandings,

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14) 子曰：「聽訟、吾猶人也、必也使無訟乎！」《論語·顏淵第十二》

15) The Master said, "In teaching there should be no distinction of classes." 子曰：「有教無類。」《論語·衛靈公第十五》

16) Tsai Yu was in bed in the daytime. The Master said, 'A piece of rotten wood cannot be carved, nor can a wall of dried dung be trowel led. As far as Yu is concerned what is the use of condemning him?' The Master added, 'I used to take on trust a man's deeds after having listened to his words. Now having listened to a man's words I go on to observe his deeds. It was on account of Yu that I have changed in this respect.' (LUN YU: Gong-Ye-Chang 5) 宰予晝寢。子曰：「朽木不可雕也、糞土之牆不可朽也。於予與何誅？」子曰：「始吾於人也、聽其言而信其行；今吾於人也、聽其言而觀其行。於予與改是。」《論語·公冶長第五》

17) The Master said, "To lead an uninstructed people to war, is to throw them away." (LUN YU: Zi-Lu 13) 子曰：「以不教民戰、是謂棄之。」《論語·子路第十三》

18) 子曰：「吾嘗終日不食、終夜不寢、以思、無益、不如學也。」《論語·衛靈公第十五》

19) See Forrester, Mottram & Bangxiang and Woodrow & Sham, quoted in the

the Confucian school has founded and supported the top-down authoritarian<sup>20)</sup> socio-political base of China; yet as shown earlier, modern elaborations of Confucius teachings can make liberal and interactive pedagogies. Confucius has written no textbooks and his recorded teachings were mostly conversations between himself and his individual students. On the other hand, a government survey on the practice of Socratic pedagogies in Taiwan law classrooms has shown that a “Socratic” teacher<sup>21)</sup> of no cultural sensitiveness may appear authoritative or even suppressive to passive students.<sup>22)</sup>

Compared with the Socratic Method,<sup>23)</sup> which promotes questioning and challenging by and of the teacher<sup>24)</sup>, a modern Confucius would advise teachers

conference paper of Professor Abdul Paliwala “From Foucaultian Bio-Power to Confucian Respect” presented at the Learning in Law Annual Conference, University of Warwick, UK, 3 and 4 January 2009.

- 20) See the above quoted Forrester, Mottram & Bangxiang: “Historically, Chinese education is teacher-centred and text-driven with both the teacher and the text regarded as authoritative sources of knowledge. Teaching is conceptualised as a ‘performance’ entailing the effective utilisation and delivery of state-prescribed texts. The passive transmission and uncritical assimilation of knowledge stems from the authoritarian values of Confucianism and on which Chinese education is primarily based.
- 21) There are also reviews of Socratic teaching methods in the west, see for example, Dickinson, J. A., *Understanding the Socratic Method in Law School Teaching* after the Carnegie Foundation’s *Educating Lawyers*, 31 W. New Eng. L. Rev. 97, 2009. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.02.18.
- 22) See Lo, C.F. [羅昌發] et. al., *The Feasibilities of Employing Socratic Ways of Teaching in Taiwan Law Schools* [「蘇格拉底式 (Socratic Methods) 試驗教學」之可行性及實施方向之研究], Research paper, Ministry of Education, 2005. In the research, in-depth interviews were given to 12 law school professors who had been academically trained in the United States and tried Socratic ways of teaching in the Taiwan law schools. It was a government-appointed policy research and I was appointed as one of the two reviewers on research findings, and thus got the chance to discuss with the researchers in details.
- 23) For the comparisons especially to support the findings of this paper, see Paliwala, A., “Socrates and Confucius: A Long History of Information Technology in Legal Education”, in Paliwala (ed.), *A History of Legal Informatics*, Zaragoza, 2010, pp.225-254. For paedagogical analyses, see Chen, J., *Confucius As A Teacher: Philosophy of Confucius with Special Reference to Its Educational Implications*, Foreign Languages Press (Beijing), 1990, pp.375-456; “A Comparison between the Pedagogies of Confucius and Socrates [孔子和蘇格拉底教學法的比較]”, Available at <http://learning.sohu.com/20060728/n244503277.shtml> Latest visit: 2013.02.18. “Similarities of and Differences between the Conversational Teaching of Confucius and Socrates [孔子與蘇格拉底談話式教學的同異]” Available at [http://www.xq0592.cn/kcs/kcyj/kc11/jdwx/200409/t20040908\\_121141.htm](http://www.xq0592.cn/kcs/kcyj/kc11/jdwx/200409/t20040908_121141.htm) Latest visit: 2013.02.18.
- 24) “As recounted by Plato, the dialogs of Socrates have a fixed form, structure, and purpose… As to form, Socrates asked a series of related questions and the student

to set good examples for students, to entice the student to learn and to build up inner strength to learn. It is for the teacher to discipline oneself to earn the respect of the students, not by imposing their ideas on the student but by attracting them with constructivist learning environments. On the other hand, the student should seek out for good teachers, but even if one cannot locate such a Master, the student ought to develop the inner strength to learn from all teachers.

The principles which promote self-discipline and inner strength may be one of the reasons why Taiwanese students appear passive to Western eyes and yet are no less intelligent learners.<sup>25)</sup> Conversational teaching and learning may well be observed when the Taiwanese way of communication is adopted as the parameter for evaluation. Take “conversations” for instance, it may involve a series of dialectic questions and answers in a Socratic classroom, while in my Confucius blended learning classroom, “conversations” start at catching student responses from their eye contacts and body languages. In an interactive class atmosphere, the teacher may start a dialectic question to induce voluntary responses from students. With hints and guidance, the teacher always gets a couple of students to break the silence. Given further encouragements, more student responses are expected to follow. The shy and passive students can also send answers to the conversation box designated on the course website. Such

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answer to the preceding question... As to structure, the typical Socratic dialog had four stages. In the first, Socrates asked questions until a student answer contained an assertion which Socrates deemed a misconception. In the second, Socrates asked a series of questions designed to lead the student step by step toward realization that his statements was erroneous and why. The third stage was the discovery and acknowledgement by the student that his statement was misconceived. In the fourth, Socrates asked a final series of questions which helped the student discover the relevant valid assertions. As to purpose, Socrates' dialogs were a form of moral education, the purpose being to discover ethical truth and thereby induce virtuous behaviour... As to his epistemology, Socrates believed a person's soul contains all ethical knowledge. Teaching ethical truth is, therefore, simply a matter of finding the questions that were keys to unlock the soul and allow the student to discover knowledge he always possessed.”, quoted from Marshall, D., “Socratic Method and the Irreducible Core of Legal Education”, *Minnesota Law Rev.*, 90(1), 2005, p.1.

25) Similar observations were made in Korean law schools. See Kim, J., “Socrates v. Confucius: An Analysis of South Korea's Implementation of the American Law School Model”, *10 Asian-Pacific Law & Policy Journal*, 2009, pp322-352.

answers can then be quoted by the teacher to initiate a further discussion in the next class.

This practice of “led-reflection” has helped more than 90% of my students to become active participants in class discussions by the end of a semester.<sup>26)</sup> Of course the effects of my experiments demand further reviews. Yet it may be argued that to develop effective teaching in Taiwan, we need careful cultural adaptation of methods and strategies. And it is out of this proposition that trial projects were explored and carried out to test on the proposed modern Confucius. The main purpose of my experiments was to examine student performance against the principles of effective teaching.<sup>27)</sup> It might surprise many that, in my drama classroom, the “Confucian respect” for teachers has worked as a catalyser to involve students in interactive learning. In other words, a modern Confucius may guide passive and dependent students to build up inner strength for independent thinking and become reflective learners.<sup>28)</sup>

### III. Trial Projects of Interactive Learning in a Taiwan Law Classroom

Taiwan has shown a strong national commitment to eLearning to keep up with the ubiquitous world. Unfortunately, among all professional disciplines, law schools have shown the least interests in eLearning as use of modern technology is considered alien to the tradition of law classrooms. In our rote

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26) Since the first trial teaching project of blended learning in the academic year of 2007/2008, more than 90% students in each class have reported in the learning effectiveness questionnaires that the “led-reflection” practice helped them to “open mouth” in a few weeks and to “become active participants in discussions” by the end of the semester. Also 40-50 % of students became interested in making dialectic discussions in the class, 30-50% students searched for information to support their answers even when the teacher did not required it, and 10-30% students would prepare questions to be raised before coming to the class.

27) To support my ideas, see Ng, G., “From Confucian Master Teacher to Freireian Mutual Learner: Challenges in Paedagogical Practice and Religious Education”, *Religious Education*, 95(3), 2000, pp.308-319.

28) See also Shields, R. W., *On Becoming a Collaborative Professional: From Paradigm Shifting to Transformative Learning through Critical Reflection and Dialogue*, 2 *Journal of. Dispute Resolution*, 2008. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.02.10.

teaching environment, the flashing PowerPoint with multimedia sound effects appears disturbing and intrusive if not well adapted. More recently, however, as globalisation has brought about pressures on education reform to achieve effective teaching and active learning, impetus has been given to adopt innovative teaching methods including problem-based, case oriented, interactive and independent learning.<sup>29)</sup> Also, Taiwanese students are active bloggers and users of electronic learning environments. It was under this local background that, in May 2007, a pioneering “Legal eLearning and Interactive Teaching Centre” was instituted at the CCU to promote blended learning in law classrooms (the CCU Legal eLearning Centre).<sup>30)</sup>

The Taiwanese legal system is constructed on the basis of Chinese, Japanese and German Law. Taiwanese legal educators have frequently asked us whether as a consequence, approaches to eLearning (blended learning) developed in Anglo-Saxon jurisdictions might not be as relevant as those developed in Chinese, European or Japanese law schools. This is obviously an important question, especially because much legal eLearning and blended learning in Britain and the United States has increasingly emphasised active, reflective, independent, collaborative and transactional learning.<sup>31)</sup>

In developing an interactive teaching environment in Taiwan, the first issue to tackle is the cultural nature and local evolution of the Confucian classroom. Are Taiwanese students brought up to fit a tradition of learning which accepts and does not doubt the words of the teacher? Do teachers expect their words not to be questioned with opposing opinions? Therefore is interactive teaching which involves discussion alien to Taiwanese law classrooms? Does this mean that systems which promote Interactive, Reflective, Independent, or

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29) The Government appointed Higher Education Evaluation and Accreditation Council has been given authorities to impose sanctions for failing institutions.

30) See Shee, A., “Taiwan Report: From CCU Legal eLearning Centre to Taiwan Legal Information Centre”, invited speech, Meeting of Free Access to Law Providers & Regional Supporting Organisations, International Conference Hall, New South Wales University, Sydney, Australia, 23 February, 2009. Available at <http://www.asianlii.org/asianlii/conference/2009/20090223.html>

31) See Abdul Paliwala & Amy Shee, The Development and Application of E-Learning in Law – Some Experiences from Iolis, National Chung Cheng University Law Journal, No.19, 2006. Pp.201-244.

Transactional learning will not or should not, be transplanted?

This paper has suggested that Confucius, far from being an authoritarian teacher, was in fact historically the earliest and perhaps the most enlightening educational thinker and reformer. He emphasised long and careful study with a good teacher and imitating his words and deeds. At the same time students were encouraged to study and learn while thinking and making reflections. Self-Illumination was emphasised under the philosophy of guided independent learning to find the “Tao道”. In other words, “respect for the Master” was morally embedded to mean that students should develop the inner strength to learn from both good and bad teachers.<sup>32)</sup>

If we look at these ideas carefully, it is possible to understand both the exciting similarities and significant differences between Chinese and Western educational ideas. In simple terms, Confucius promotes reflective and independent learning: “searching within to find Tao”. However, in contrast to the Socratic method, which promotes the questioning and challenging by and of the teacher, Confucius would advise teachers to observe self-discipline, to entice the students to learn and to build up sufficient inner strength to become an active and reflective learner.

These principles which promote self-discipline and inner strength may be the reason why Chinese students appear so passive to Western eyes and yet are such intelligent learners. Taiwanese students are active bloggers and users of the internet. Good blended learning may encourage inter-student discussion; a culturally situated conversational teaching model does not require challenges to show independent learning like what can be shown in Western classrooms. In other words, conversational teaching & learning may well be observed when the Taiwanese way of communication is adopted as the parameter for evaluation.

Nevertheless, this statement of Confucian ideals does not necessarily mean that contemporary Taiwanese educational systems conform to these. The relations of power between students and teacher can easily be corrupted,

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32) See ‘Confucius and Education’, Stanford Encyclopaedia of Philosophy, Available at <http://plato.stanford.edu/entries/confucius/#ConEdu> Latest visit: 2013.03.01.

Western educational ideas have a strong influence in East Asian countries and their combination with Taiwanese realities may not necessarily be virtuous. Thus, to develop blended learning in Taiwan, we need for careful cultural adaptation of methods and strategies. With this in mind, the Legal eLearning Centre explored various approaches and carried out some trial projects. The objective of this section is thus to display electronic-and-classroom blended-learning methods adopted in CCU law classrooms to construct a culturally situated conversational teaching environment.<sup>33)</sup> There are two presumptions:

1. The purpose of legal education is to cultivate students to become active learners with reflective thinking, who are able to join collaborative group work in transactional exercises.
2. To achieve effective teaching, constructivist pedagogies have to be adopted to build up a conversational learning environment.<sup>34)</sup> However, the meaning of “conversational” has to be redefined in terms of the Taiwan culture to include eye contacts and body languages in the classroom<sup>35)</sup> and variable forms of e-communications on the teaching platform.<sup>36)</sup>

To achieve the effective teaching as defined above, the Legal eLearning

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33) For detailed accounts, see Shee, A., Free Access to Law in Taiwan: Some Socio-Cultural Considerations, paper presented at the 1st AsianLII Conference 2009: Building Capacity for Free Access to Law in Asia, International Conference Hall, New South Wales University, Sydney, Australia, 25 February, 2009. [available at <http://www.asianlii.org/asianlii/conference/2009/20090223.html>]

34) On the whole, Taiwan law teachers follow traditional instructionist learning models. The objective of teaching is to give students materials to study by heart and to provide correct answers in exams. In contrast, *constructivist* models provide students with the tools to explore the world of knowledge and create their own solutions to problems.

35) In my experiments for interactive teaching, eye contacts and body languages have played crucial roles in conducting “conversational learning”. Instead of giving challenging questions to demand answers, a modern Confucius may walk down from the stage, stand close to individual student and look into his/her eyes to start the “conversation”. A question may be asked while I look into the eyes of more than one student and often answered by myself but see the responses of students from eye contacts and body languages. Some students may be busy making notes, others may search in the book or past notes for an answer, but a growing number will show the intention to be called upon to answer the question if it is encouraged by positive responses of the teacher disregarding the quality of the answer.

36) See Peters, P., Gaining Compliance through Non-Verbal Communication, 7 Pepp. Dispute Resolution Law Journal, 2007. Available at [https://www.lexisnexis.com/ap/author/](https://www.lexisnexis.com/ap/author/Latest) Latest visit: 2013.02.18.

Centre utilise university facilities to create ready-to-use prototypes for law school teachers. We have made significant progress in (1) Course Websites & eLectures; (2) Case Study Drama Classroom; (3) Transformation of classroom. Observations may be made from the experiences accumulated since the academic year of 2007\08.

### ***Course Websites & eLectures***

There are increasing incentives to develop course websites in Taiwan. On the one hand, the Ministry of Education offers grants to make course websites as part of Teaching Enhancement Research Projects. On the other hand, we have learnt from global experiences that websites can be an effective gateway to course guidelines, class discussions and peer supports.<sup>37)</sup> My experience shows that the website can create a modern Confucius classroom in which students' compliance to instructions actually becomes the catalyser of active and conversational learning.

Since the academic year of 2007\08, my Transnational Family Law courses (both undergraduate and postgraduate) started a website<sup>38)</sup> to offer a collection of "Course Management Tools" which is connected to the university teaching platform named *eCourse*.<sup>39)</sup> The website provides for course materials, connections to library resources, discussion forums and assessment records. Apart from course outlines and readings, course materials include lecture notes,

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37) See Noam, E., Electronics and the Future of Law Schools, 17 J. Contemp. Legal Issues 51, 2008. <https://www.lexisnexis.com/ap/auth/>; Kuh, K. F., Electronically Manufactured Law, 22 Harv. J. Law & Tec 223, 2008. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.02.18.

38) See the course website at <http://140.123.193.190/elaw/>. For demonstration, we made an English demo website <http://140.123.193.190/En/>. Also, thank to a joint project conducted with the Japan Legal Information Institute (JaLII) under the lead of Prof. Yoshiharu Matsuura, a bilingual website of Taiwan laws and Judicial Interpretations has been developed to provide for keyword-in-context search on over 200 major laws and 669 judicial interpretations. These two Taiwan Bilingual KWICs make it much easier to conduct cross-jurisdiction teaching and to promote comparative studies. See <http://kwic.law.nagoya-u.ac.jp/taiwan/> and <http://kwic.interpret.nagoya-u.ac.jp/taiwan/> in connection to the JaLII website <http://www.japaneselawtranslation.go.jp/law/>.

39) See <http://ecourse.elearning.ccu.edu.tw/>.

PowerPoint slides and eLectures. The course continued under the support of a 4-year government funding project on higher education reform, followed by an ongoing teaching project supported by the Ministry of Education entitled “Cultivating Citizens' Core Competence”<sup>40)</sup> under which two trial courses are carried out on the basis of culturally situated blended learning to incorporate classroom learning (C-Learning) and online learning (E-Learning) with the Confucius wisdom of teaching<sup>41)</sup> as aforementioned.

In connection to the *eCourse*, I also made a distance-learning course (2 hours \ 16 units) with the help of the university eLearning Centre entitled “Family and the Law (<http://cyberccu.ccu.edu.tw/index.php>)”. It provides for self-learning lectures on specific issues including transnational and transactional aspects of family law.<sup>42)</sup> The eLectures took two forms: one is podcast lectures done with PowerPoint slides<sup>43)</sup>; the other is on-line videos of classroom activities. These can be used by those who missed the class or who wish to review parts of the lecture. In order to lead my passive students into active and reflective learning, I had to raise questions with guidelines in the class for students to answer in the discussion forum of my teaching platform, though here the word “discussion” took different forms throughout the semester.

In the first couple of weeks, most students simply referred to course materials to find “right” answers to fill in the designated forum space. At this stage I had to lead the answers to “discuss” among themselves. So my teaching assistants were given instructions to make PowerPoint slides of paired answers to be discussed in class. Sometimes we got lucky to have a “shared/standard” answer in contrast to a “unique” (may it be wrong) one to lead to reflective question(s) for further discussions as follows:

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40) See details at [http://hss.edu.tw/plan\\_detail.php?class\\_plan=176](http://hss.edu.tw/plan_detail.php?class_plan=176).

41) See the courses at <http://www.lawpack.taiwanlii.ccu.edu.tw/taiwanlii/webapp/taiwanliiCourse/>.

42) For understanding of the socio-legal contents, see Shee, A., “Impact of Globalisation on Family Law and Human Rights in Taiwan”, 2 *Taiwan University Law Review*, 2007, pp.23-69.

43) See for example [http://elaw.ccu.edu.tw/html/2008mimic/06\(Transnational Family Law\)](http://elaw.ccu.edu.tw/html/2008mimic/06(Transnational%20Family%20Law)). It is made with the MIMIC Builder – an invention of the then CCU eLearning Centre, a new form of e-lectures and podcasts is being developed.

**QUESTION: Did Master Yuan commit adultery by visiting brothels?****【Shared/Standard Answer】**

The crime of adultery is provided in Criminal Code Article 239 which punishes sexual intercourse of a married person with a person other than the spouse. Therefore, Mr. Yuan has committed the crime of adultery.

**【Unique/Wrong Answer: Tim Zhang】**

In our law, visiting brothels is not a crime, so Mr. Yuan should not be punished for adultery.

**【Reflective Questions for further discussions based on the answer of Zhang】**

1. Is there a proviso in the said Article 239 to exclude criminal liabilities of adultery?

2. Do you think visiting brothels is\ is not as guilty as committing adultery?

During class discussions, I deliberately stood near the students and looked into their eyes. There was no proof, but I started to “feel” conversations in our eye contacts and body languages – fewer and fewer students avoided eye contacts while more and more students move their bodies towards where I stood. When discussing the above dialectic questions, I read through the first answer (shared by most students) and used a boring voice to say, “Yes, this is right”. In contrast, I raised my voice to read the second answer (by Zhang), and called the name of the student to explain what he had meant. As expected that he was embarrassed to say, “Sorry, I was wrong”. Yet I responded with a positive attitude, “I feel happy to have a student like you. You may have to fail the bar exam, but I will vote for you to be a Legislator”. That made the whole class laugh and thus an amicable learning environment was constructed for students to talk or at least to think freely.

I adopted similar techniques in the following 2-3 weeks and it was exciting to see students starting to do different things other than making answers only by quoting applicable laws or academic authorities. Some referred to relevant information on line, a few making recollections of books or even novels they had read before. Some others would discuss with classmates, roommates, friends and families before answering questions, and a growing number of

students quoted others in the previous discussion forums.<sup>44)</sup> What pleased me most was to see more and more students commented on what I had said in the class, and some even made reflective questions with proposed answers. After I discussed such homework in class, some students started to make debates in discussion forum of the course website. When I occasionally put in one or two comments, the number of involved students suddenly raised high.<sup>45)</sup>

It took more than 8 weeks to get oral conversations in the face-to-face class. I tried all sorts of reflective questions but most of the time I often had to give substantial part of an answer to lead students to complete. This situation suddenly changed in the 8<sup>th</sup> week when my right eye contacts plus encouraging smile\gesture finally started a "conversation" with a student. As the talking student received my prompt compliments, another followed to respond, and then a third one joined to make a debate. However, I also have to admit that it was not a general change. For every piece of face-to-face conversation, I had to make quite some efforts, and it was the case throughout the semester, though a few students made significant improvements at various paces.<sup>46)</sup>

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44) Students said on the teaching platform and I quote: "Part of the opinions from students in class think that the punishment of adultery based on civil law will cause a situation that rich people are not afraid of committing adultery. But I think..."; "In response to teacher's comments, I have a further question: Does a one-night love affair count for adultery or prostitution? If the differences between adultery and prostitution is the presence of 'affection\love', a one night affair is not adultery..."; "In the discussion in class last week, a fellow student mentioned about the concept of 'marriage insurance'. Out of my curiosity, I went online to search for some simple introduction for it..."; "...because my teacher shared students' answers on the teaching platform a week ago and brought up reflective questions in the class, it gave us the motivation to search in the Internet for further information. This creates more opinions..."; "As the teacher said in class, a legal statement needs to base on social evidence. Law provisions alone are not enough. But my question is that if we need to investigate on the expectations of people in society, is there not a danger of 'violence of the majority' as under modern democracy...".

45) See also Sinclair, P., Freedom of Speech in the Virtual World, 19 Alb. Law Journal of Science. & Technology, 2009. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.02.18.

46) Students said on the teaching platform and I quote: "The teacher discussed the issue in a lot of dimensions that I had never thought of. More importantly, the thoughts have slowly changed my ways of thinking. Now I do not see things in only one perspective, nor do I take things for granted. No matter if I join the discussion on voluntary or passive base at the beginning; I have eventually acquired abilities of reflection and pondering..."; "What I get most from this class is I have gradually learnt to have a

### *Case Study Drama Classroom & Interactive Questions*

To accelerate the involvement of students in my blended learning courses, I developed an experimental activity called “Making Our Drama Classroom”. Conversational pedagogies and e-learning techniques were tailored to assist the modern Confucius in performing “guided independent learning”. This involves a collaborative exercise in which the teacher acted as a mother goose to help passive students to find one’s own way towards constructivist learning. The underlying purpose was to encourage students to develop their inner strength and overcome traditional cultural constraints against active and reflective learning.

Inspired by western pedagogies promoting effective teaching and blended learning, I started an experimental course trying to create an interactive drama classroom led by a modern eConfucius. The title of the course is “Human Rights and Marriage Migration”. To enhance culturally situated interactive learning, the course created a collaborative exercise named “Making Our Drama Classroom”.<sup>47)</sup> The underlying ideal of the Classroom was to achieve active, collaborative and transactional learning through carefully planned guidance of the teacher. To start with, I wrote a carefully planned story<sup>48)</sup> named “Beauty and Sorrow across Boundaries 跨越疆界的美麗與哀愁” Here shows a taste of the “story”:

This story begins in Shanghai, China in 1936. *Master Yuan* was a tycoon in manchester business, who exported Chinese textiles to nearby countries and also imported India cotton and Tai silk to be sold in China. As *Master Yuan* travelled a lot to maintain business

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broader vision and to think with different perspectives. In this class, there are no standard answers to every question; therefore, students can bring themselves into full play and think independently”.

47) It is helpful to refer to Cohen, A. J., Thinking with Culture in Law and Development, 57 Buffalo Law Review, 2009; Cooper, J. M., Competing Legal Cultures and Legal Reform: The Battle of Chile, 29 Michigan Journal of Int'l Law, 2008. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.03.11.

48) See Strand, P. J., Law As Story: A Civic Concept of Law, 18 South California Interdisciplinary Law Journal, 2009. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.03.15.

around the country, his wife *You-Yi* managed the Yuan Textile Store at Shanghai. *You-Yi* was not only supportive in running *Master Yuan's* business but also devoted to her marriage and family. However, as she gave birth to three daughters consecutively, *You-Yi* lost *Master Yuan's* favour. *Master Yuan* became indulged in carnal pleasure, and even the birth of his only son, *Da-Chung* could not bring back his attention for *You-Yi*. He often got drunk and returned home only to inflict violence on *You-Yi*. The situation was worsened as his business failed. At last *You-Yi* could no longer bear and ran away from home. Wandering on streets, *You-Yi* met an Indian cotton dealer *Abdul* who had been a long-term customer of the Yuan Textile Store. *Abdul* was kind-hearted and in order to help *You-Yi* to escape from the marriage misery, he took her back to India to work as a housekeeper.

Shortly after *You-Yi* disappeared from the family, *Master Yuan* announced in public that his wife had died of illness. During the Chinese Civil War, *Master Yuan* took all his children to Taiwan and looked for another business base. Soon after arrival, *Master Yuan* married the daughter and sole heiress — *Yueh-Ying* of a Taiwanese entrepreneur by bribing go-betweens. Consequently *Master Yuan* also controlled *Yueh-Ying's* inherited enterprises. Bearing the influence of Western ideas, *Yueh-Ying* refused to have children, but as a deal she allowed *Master Yuan* to take concubines. In the 1960s when *Master Yuan* was doing business in Japan, he became acquainted with an elegant Japanese woman *Kyo-Ko* and took her back to Taiwan as his third wife. Their son *Cheng-Wu* was born several years later. *Cheng-Wu* was a smart but undisciplined child and could not get along well with the family, thus *Master Yuan* finally decided to send the teenage son to a US military school. Thereforth, *Kyo-Ko* travelled between Taiwan and the US to

maintain her marriage and family ……<sup>49)</sup>

The story was made sentimental to draw student interests, but for practical use of case study it incorporated legal issues and laws to be explored in the course. Students were first told the story in a fairy-tale style, and then set to work in groups to consider problem-based and case-led socio-legal issues such as marital violence, divorce, adultery, bigamy, migration and so forth. At this stage, students were given the written story together with hyperlinked laws and on-line materials regarding human rights and marriage immigration. An evaluation seminar was then held to promote mutual reflections and self-assessment. This helped me to understand the achievement of my class and to judge whether the students were ready to make a drama on collaborative basis. During the drama-making, students were sent in small groups to visit families with immigrant spouses. They were instructed to listen with hearts and make notes from what they hear and observe. After return, they were required to take the stands of the immigrant wife, the husband, the child, the mother-in-law and other family member to feel for their difficulties in the face of law and society. Then students were set free to do a drama video involving script-writing, role-play, costume design, filming, and so forth. The involvement of myself in role-playing further strengthened the group work of “Our” Drama Classroom.

In this experiment, students were “given” the facts, issues and laws, then “guided” to think, to judge and even to feel for the characters, though the efforts were aimed to encourage and lead students to express individual observations and views regarding what had happened and to raise questions as to what makes “fairness and justice” and why. It could be easily challenged if there was too much intervention of the teacher to undermine active and independent learning. I would argue that in light of the Taiwan learning culture with passive students who are generally unfamiliar with human-right and socio-legal debates, the teacher’s guidance actually becomes an enhancing factor of effective teaching, but of course the success depends very much on the self-discipline of the

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49) For the full story in English, see Shee, A 施慧玲, *Human Rights in Marital Migration: A Guided-learning Video Book on Case Studies* ( 婚姻移民人權案例研習影音導讀書 ), Angle Publisher, 2011, pp7-13.

respected teacher.<sup>50)</sup>

After the celebration of constructing “Our Drama Classroom”, we moved on to utilise the video to make a website of e-exercises. The drama was also tailored to make interactive questions which are connected to a discussion forum constantly attended by the teacher \ teaching assistants. Instead of teachers giving lectures or asking questions to impose or imply authorities over students, computer exercises can offer egalitarian access to interactive learning environment which may take off authoritative threats from passive students. The system has the advantage of being one-on-one, with the pace and choice of navigation being controlled by the student.

The following is one example of the interactive questions out of another Drama Classroom of “Singing a Love Song of Homeland Faraway 唱著一首離鄉的愛情笙歌”.<sup>51)</sup> The drama video is also put on the teaching platform in segments for interactive questions.<sup>52)</sup> Students may watch the video and/or read the script to catch the facts and answer the attached questions according to the facts given in the Drama.

#### Background Information: Laundry Family Shame Rite

“Laundry Family Shame (*si men fong* 洗門風)” Rite is a traditional Taiwanese way to impose moral sanctions on a person who breaches marriage \ family bonds or hurts other people’s reputation. The grieved party who has lost “face” may order the rite to be preformed in public in a commonly accepted way (such as for a woman to serve cigarettes on the street or for a man to kneel down in an open-air market). The wrong-doer is thus forgiven as the rite has

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50) Laurillard in his illuminating book defined the conversational approach to be “lecturers and students must understand each other’s perceptions, and use this to negotiate and adapt learning activity. Therefore, feedback, reflection and action upon the feedback were crucial elements of this task”. Quoted from Laurillard, D., *Rethinking University Teaching: A Framework for the Effective Use of Educational Technology*, Routledge, London, 1993, p.105.

51) For the full story and analyses, please see Shee, A 施慧玲, *Human Rights in Marital Migration: A Guided-learning Video Book on Case Studies (婚姻移民人權案例研習影音導讀書)*, Angle Publisher, 2011.

52) See [http://elaw.ccu.edu.tw/html/centre\\_resource/confer\\_file/2009\\_6th\\_family/01.wmv](http://elaw.ccu.edu.tw/html/centre_resource/confer_file/2009_6th_family/01.wmv)

washed out the shame caused to the offended party. In its origin of early societies, there were no legal sanctions on offences against family reputation, people thus made apologies in public to solve disputes by washing away the shame. It is a Taiwanese custom still practised in rural villages though it may be considered inappropriate and “backward” in modern eyes. The customary function of “Family Shame Laundry” is similar to recovery of names in modern litigations. According to Article 18 of the Taiwan Civil Code, a person whose reputation has been damaged may appeal to the law court to restore personal reputation.

**Facts** 【As described by the Mother-in-law in an interview】

**Reporter:** After giving birth to a grandson, *Ran-ling* was once treated nicely, isn't it?! What made you take a big switch in attitude towards her? We heard that *Yesi* would beat up *Ran-ling*. What had happened?

**Mother in law:** That shameless woman!! You really know nothing about her …… I also discovered a scandal of *Ran-ling* which the marriage broker had been trying to hide from us – *Ran-ling* used to be a girlie-house escort singer in Vietnam. That really pissed me off. To deal with a woman like *Ran-ling*, you could not show too much kindness. Otherwise she would take advantage of you to the extent that nothing was done for the family but to humiliate us with all her shameless misconducts. You said my son had beaten her up. Well done my son!! Or how could we teach the woman to learn lessons?!

The disclosure of the fact that *Ran-ling* used to be a girlie-house escort reminded my son to pay more attention to her associations. We came to find that she had a habit of flirting with men whenever she had a chance to go out. Once I saw with my own eyes that she was seducing married men in street with intimate physical contacts. That was so disgraceful and her filthy behaviour had caused an unbearable shame for my family to bear!! Thus I ordered *Ran-ling* to stand in a busy street serving bitter nuts and cigarettes, and thus to perform the “laundry family shame” rite by custom, failing which I would kick her out of my home. To our surprise, she insisted on remaining shameless and dressing up like a prostitute to perform the rite on street like a cheap star. She

showed herself on TV news in an indecent manner disregarding the harms it might cause to our family reputation!

### Question

I. Considering what *Ran-ling* had to go through, is the **Laundry Family Shame Rite** (1) a kind of private penalty or (2) an alternative way of family dispute resolution?

(1) YES **It is** a kind of private penalty because, unless otherwise provided, the law does not render a person the right to impose punishments on another person for wrong-doings.

(2) NO **It is not** a kind of private penalty, because it is a customary rite to preserve family reputation accepted and observed in rural Taiwan.

(2) YES In the rural area, **it is** an alternative way of family dispute resolution according to local culture and practised under customary rules.

(2) NO In our story, **it certainly did not** solve any disputes, but to cause even wider cracks between the parties, which led to an attempt on murder.

II. Is the rite performed in an appropriate way?

YES The rite is performed in an **appropriate** way because to stand on a busy road serving bitter nuts and cigarettes is a generally agreed way of perfuming the rite by women.

NO The rite is performed in an **inappropriate** way because it has caused harms to personal dignity of *Ran-ling*.

III. Should the law prohibit performance of the rite in the name of human dignity?

YES The law should **prohibit** performance of the rite and **punish** the violators.

NO The law should **respect** the performance of local customs unless it is against public order and social morals.

With a combination of hypertext script and role-play drama, the case study becomes an exciting experiment in an e-Confucius classroom encouraging guided but independent, active collaborative and reflective learning. The authority of a teacher over students is no less than the traditional one. In fact, an e-Confucius may enjoy full control over the class movements through

electronic audit trails and peer pressure on group honour. In other words, the principle of respect involves strong leadership by the 'mother goose' teacher who ensures active and effective participation by traditionally passive Taiwanese students. At the same time respect for the values and independence of the student ensures that student is given significant initiative in developing their own creativity.

### ***Transformation of Classroom Learning***

Taiwan law school classrooms have undergone transformation in two aspects, though the developments have been uneven among universities. Setting up multimedia classrooms has become a fashion and easy to get financial supports from the government. However, introduction of technology in the onsite classroom does not necessarily involve its use to transform rote teaching towards interactive learning.

In the CCU College of Law, there are two newly installed informed classrooms<sup>53)</sup> with eLearning equipments and functions including multimedia lecterns, dual screen projector, wired internet as well as picture in picture and handwriting PC utilities. Some unique designs such as the dual screen projector or picture in picture and handwriting PC utilities were developed for teaching mathematics based on cognitive theory of multimedia learning.<sup>54)</sup> Therefore, when the e-classrooms were installed, their functions were demonstrated with designs of mathematics courses. The difficulties reminded me of what Prof. Abdul Paliwala had reminded us when he set out principles of blended learning, "(e)ffective independent Learning requires... an integrated

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53) They were installed in 2007-8 under the Outstanding Teaching Programme granted by the Ministry of Education. One is a seminar room that may take up to 50 students. The other is a stair lecture room installed with 120 seats.

54) See Mayer, R.E., *Cognitive Theory of Multimedia Learning*. In R. E. Mayer (ed.), *The Cambridge Handbook of Multimedia Learning*, 2005, Cambridge University Press, pp. 31-48, quoted. at Chang, Y-H et al., *The Impact of Split-Attention Effect on Dual-Screen Learning Environment for Programming Language Instruction*, paper presented at World Conference on Educational Multimedia, Hypermedia & Telecommunications (ED-MEDIA 2009), June 22-26, Hawaii, USA, 2009.

environment which blends e- and face-to-face learning” and thus “(t) echnology will not in itself create good courseware. Good eLearning depends on the educational imagination of the teacher...”.<sup>55)</sup>

With the help of imaginations, an informed seminar room equipped with dual screens and a camera may serve to show PowerPoint slides on one screen and alternatively, a case study drama, a face of a discussant in the class, or on-line materials on the other screen. The use of a class-made drama in case studies has been most popular among students. With the dual screen, students may make a comparative study between the drama story and the legal facts. This may cultivate sense of humanity and professional ethics. It may also create imaginations on possibilities of facts other than the court-constructed one. To help discussions on all possibilities, we added DV equipments to take talking faces of students on to the screen(s).

Compared to the seminar room with dual screen, the lecture hall has a much bigger screen. In a lecture room of 120 seats, the flexibility of size adjustments of the picture-in-picture function helps a lot in effective teaching. When I discuss the written answer of a specific student, the class camera (managed by a teaching assistant) will also move on to his\her face to be shown on the screen. The face may be put in the big picture when the student speaks. This gives those students with “right” answers sense of honour. But as mentioned above, to lead/guide students to become reflective learners, the teacher must not stop at the “right” answer. Following short reference to standard answer(s), I will move on to “not exactly correct”, “debatable” or even “wrong” answers to give constructive comments in length. It gives the students impressions that the teacher prefers “non-standard” answers.

In suitable cases, I also lead the class to go on-line to check on information and discuss on possibilities of alternative answers. Here I leave it to students to tell me how to find on-line information. Gradually, I have more and more reflective answers from students, many composing of information begot from active learning, and not surprisingly, students started to make cross-

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55) See Paliwala, A., Three Dimensions of E-Learning: from Resource-Based to Transactional: From E to M, CCU Law Review, No.24, 2008, pp.55-376.

conversations, first in the discussion forum on the course website and then in my classroom. As the semester proceeded to the second half, some students started to go back to the podcasts\eLectures to find the loopholes I made in earlier lectures and make comments to challenge me.

My experiences in the past 6 years of conducting the trail projects of blended learning have shown that in a modern eConfucius classroom, students' compliance to instructions and especially their respect for the teacher has become the catalyser of active and conversational learning. The independent blended learning pedagogy has liberated the students from authoritarian teaching and created opportunities for interactions between the teacher and students. A crucial point is to make it pedagogically appropriate in liberating the student without undermining the teacher. Therewith, though western pedagogies of effective teaching have set models for us to learn from, the Taiwan cultural and educational values may also be preserved.

## V. Concluding Remarks

This paper observes and reviews the progress of interactive learning in a Taiwan eConfucius Classroom. Based on accumulated findings as a law professor, an innovative pedagogy is introduced to promote active learning and reflective teaching with passive students in Taiwan. The Socratic pedagogies may have led the western movements towards interactive learning. Given a different educational heritage in Taiwan, the conversational and constructivist teaching value may be realised with culturally situated methods to achieve Socratic ends. The ideas of "guided independent learning" are thus proposed. In the classroom of a modern Confucius, the teacher remains to be respected, yet adopting learning-centered pedagogies to lead the students to become active and reflective learners.

With this paper I have presented stages of the development of my eConfucius interactive learning environments and methods. This progressing pedagogy, if accepted, will entail curriculum changes and academia trainings. It has been observed in many Taiwan law classrooms that the western Socratic Method

does not work for conversational learning. In contrast, the exercise of “guided independent learning” in my classrooms has gradually led students to make active and reflective learning. It may be worthwhile to discuss or even debate on the nature of this conversational teaching in contrast to Socratic ones.<sup>56)</sup>

Before that can happen, I would suggest two main directions for reforms on law school curriculum as well as teaching methods.<sup>57)</sup>

1. To hold Staff Seminars to work out (1) ways to construct a learning environment in favour of interactive learning (2) the elements for building up student capacities and enthusiasms<sup>58)</sup> (3) the methods of connecting them to teaching pedagogy.
2. To hold Cross-University Workshops inviting law school professors to (1) listen to student comments (on teaching platforms) re curriculum\pedagogy changes including ways to build up staff and institutional capacities and, more importantly, incentives to promote interactive learning (2) collect intelligent responses to trigger actions which may end up with meaningful reforms.

To further the achievements, we need to promote continuous ‘interaction’ among law teachers, teaching assistants, IT personnel, and most importantly, students. This needs to be supported by a framework for collaboration across Taiwan within and between law schools, and at a global level.

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56) See also Lung, S., *The Problem Method: No Simple Solution*, 45 *Willamette Law Review*, 2009. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.02.15.

57) The experiences of Japan, Korea and Mainland China may also be borrowed. See Saegusa, M., “Why the Japanese Law School System was established: Cooptation as a Defensive Tactic in the Face of Global Pressure”, 34 *Law & Society Inquiry*, 2009, pp365-367; Wilson, M.J., “U.S. Legal Education Methods and Ideals: Application to the Japanese and Korean Systems”, 18 *Cardozo Journal of Int’l 7 Comparative Law*, 2012, pp.295-340; Wang, W. K. S., *The Restructuring of Legal Education along Functional Lines*, 17 *Journal of Contemporary Legal Issues*, 2008. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.02.15.

58) See also Zimmerman, E., *An Interdisciplinary Framework for Understanding and Cultivating Law Student Enthusiasm*, 58 *DePaul Law Review*, 2009. Available at <https://www.lexisnexis.com/ap/auth/> Latest visit: 2013.02.15.