

Article

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

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ABSTRACT

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

Keywords: *Confucius, Socrates, eLearning, Blended Learning, Pedagogy, Interactive Learning, Effective Teaching, Legal Education Reform, Passive Students, Asian Culture*

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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 (electronic-and-classroom blended learning).¹ Viewing the fact that Taiwan law 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.² 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”.³

The main task of this paper is thus two-fold. 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-centred higher education.

1. Legal eLearning in Britain and the United States has increasingly emphasised “Active”, “Reflective” “Independent”, “Collaborative” and “Transactional” learning. These are the general themes of the widely quoted book of UK Centre for Legal Education entitled “Effective Teaching and Learning in Law”. See *EFFECTIVE LEARNING AND TEACHING IN LAW* (Roger Burridge et al. eds., 2002). See also *THE INTERNATIONALIZATION OF LAW AND LEGAL EDUCATION* (Mortimer Sellers & Jan Klabbers eds., 2008).

2. Tai-Sheng Wang, *Taiwan Fahsiao Chiaoyü Tê Fachan Yü Shêngssu: I Kê Falu Shêhuishih Tê Fênhsi* [Development and Introspection of Taiwan Legal Education: A Socio-Legal and Historical Analysis], 68 *TAIPEITAHSIAO FAHSIAO LUNTS'UNG* [TPU L. REV.] 1 (2008); Chueh-An Yen & Chao-Yu Wang, *Ch'itung Fahsiao Chiaoyü Tê Chiehkou Kaikê — I Fahsiao chiaoyüfa Ts'aoan Wei Hê,hohsin* [To Trigger the Structural Reform of Legal Education: Centred on Legal Education Bill], 103 *TAIWAN FAHSIAO TSACHIH* [TAIWAN L.J.] 219 (2008).

3. For the method to observe student performance, it is helpful to refer to Arthur Best, *Student Evaluations of Law Teaching Work Well: Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree*, 38 *SW. L. REV.* 1 (2008).

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”.⁴ 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 and facilitate 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....”⁵ 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.

A. *Modern Elaborations of Confucius Pedagogies*

Judging from the most popular Confucius teaching *LUN-YU*,⁶ the 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

4. See Abdul Paliwala & Amy Huey-Ling Shee, *Enter the Dragon: AKA Confucian Conversations: Local Cultures and Global Influences in Taiwan Legal eLearning*, paper presented at Learning in Law Annual Conference, Jan. 3-4, 2008, University of Warwick, UK. 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. With his advices, CCU instituted in 2007 a pioneering Research Centre for eLearning and Interactive Teaching in Law (transformed in 2010 to become Taiwan Legal Information Institute, TaiwanLII). Based on a common interest in student-centred legal education, our conversation is one of continuing collaborations.

5. Quoted from MARLENE LE BRUN & RICHARD JOHNSTONE, *THE QUIET REVOLUTION – IMPROVING STUDENT LEARNING IN LAW* 56 (1995).

6. CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

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”.⁷

Confucius encouraged students to think while learning and vice versa as “[l]earning without thought is labor lost; thought without learning is perilous”.⁸ 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) rather than to make technical professional training, so he said, “The accomplished scholar is not a utensil.”⁹ 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?”¹⁰

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.¹¹ This event inspired me of what I termed “guided independent learning”. With the authority of a

7. *Lun Yu: Shu R 7.8*, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

8. *Lun Yu: Wei Chang 2.15*, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

9. *Lun Yu: Wei Chang 2.12*, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

10. *Lun Yu: Tsze Han 9.22*, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

11. *Lun Yu: Ke She 16.13*, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

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.”¹² 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.”¹³ For teaching legal ethics, Confucius shared enlightening ideas: “In hearing litigations, I am like any other person. What should be done, however, is to refrain the people from litigations.”¹⁴

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]**.¹⁵ It can be further elaborated on 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”.¹⁶ 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”.¹⁷ 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

12. *Lun Yu: Yung Yêy* 6.18, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

13. *Lun Yu: Heang Tang* 10.14, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

14. *Lun Yu: Yen Yûan* 12.13, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

15. *Lun Yu: Wei Ling Kung* 15.38, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013) (The Master said, “In teaching there should be no distinction of classes.”).

16. *Lun Yu: Kung-Yê Ch'ang* 5.9, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013) (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.”).

17. *Lun Yu: Tsze-Lû* 13.30, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013) (The Master said, “To lead an uninstructed people to war, is to throw them away.”).

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.”¹⁸

B. *Confucius Guidance vs Socratic Challenges*

We have seen much western literature criticizing the authoritarian Confucius teaching as opposed to the Socratic way of training. In general understandings, the Confucian school has founded and supported the top-down authoritarian¹⁹ 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” teacher²⁰ of no cultural sensitiveness may appear authoritative or even suppressive to passive students.

Compared with the Socratic Method,²¹ which promotes questioning and

18 *Lun Yu: Wei Ling Kung 15.30*, CONFUCIAN ANALECTS, http://www.cnculture.net/ebook/jing/sishu/CONFUCIAN_ANALECTS.html (last visited Aug. 26, 2013).

19. See Abdul Paliwala, *From Foucaultian Bio-Power to Confucian Respect*, paper presented at the Learning in Law Annual Conference, Jan. 3-4, 2009, University of Warwick, UK. (Citing 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 (Cortazzi & Lixian, 2001). The passive transmission and uncritical assimilation of knowledge stems from the authoritarian values of Confucianism and on which Chinese education is primarily based. Mechanistic learning by rote is customary (fundamentally owing to the nature of ideographic Chinese characters) as is the memorisation of facts, the ‘regurgitation’ of which is accessed by examination (Martinsons & Martinsons, 1996)”; and Woodrow and Sham: “The reverence for facts, coupled with reverence for the teacher as an authority provides a strong view of what learning and education really mean in the Chinese culture. This contrasts strongly with the concentration on the individual and the nurturing of personal learning which dominates much of secondary education in Britain.”).

20. There are also reviews of Socratic teaching methods in the west. See, e.g., Joseph A. Dickinson, *Understanding the Socratic Method in Law School Teaching after the Carnegie Foundation’s Educating Lawyers*, 31 W. NEW ENG. L. REV. 97(2009).

21. For the comparisons especially to support the findings of this paper, see Abdul Paliwala, *Socrates and Confucius: A Long History of Information Technology in Legal Education*, in A HISTORY OF LEGAL INFORMATICS 225 (2010). For pedagogical analyses, see JINGPAN CHEN, CONFUCIUS AS A TEACHER: PHILOSOPHY OF CONFUCIUS WITH SPECIAL REFERENCE TO ITS EDUCATIONAL IMPLICATIONS 375-456 (1990); Jack Chen, *K’ung-tzu Han Sukêlati Chiaohsiaofo Tê Pichiao* [A Comparison between the Pedagogies of Confucius and Socrates], SOHU CHIAOYÜ [SOHU EDUCATION], (July 28, 2006), <http://learning.sohu.com/20060728/n244503277.shtml>; Jack Chen, *K’ung-tzu Yü Sukêlati T’anhushih Chiaohsiao Tê T’ung I* [Similarities of and Differences between the Conversational Teaching of Confucius and Socrates], K’UAILË CHIAOYÜ [HAPPY EDUCATION], (June 14, 2012), <http://www.kljyedu.com/otherxx.aspx?id=14-15-777-1-14.jsp>.

challenging by and of the teacher²², a modern Confucius would advise teachers 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.²³ 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 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.²⁴ Of course the effects of my experiments demand further reviews.

22. “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 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 realisation 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.” Donald G. Marshall, *Socratic Method and the Irreducible Core of Legal Education*, 90(1) MINN. L. REV. 1, 12 (2005).

23. Similar observations were made in Korean law schools. See Jasper Kim, *Socrates v. Confucius: An Analysis of South Korea’s Implementation of the American Law School Model*, 10 ASIAN-PACIFIC L. & POL’Y J. 322 (2009).

24. 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

Yet it may be argued that to develop effective teaching in Taiwan, we need careful cultural adaptation of methods and strategies.²⁵ And it is out of this proposition that trial projects were explored and carried out to test the proposed modern Confucius. The main purpose of my experiments was to examine student performance against the principles of effective teaching. 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.²⁶

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 interest in eLearning as use of modern technology is considered alien to the tradition of law classrooms. In our rote 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.²⁷ 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 (the CCU Legal eLearning Centre) to promote blended learning in law classrooms.²⁸

The Taiwanese legal system is constructed on the basis of Chinese, Japanese and German Law. Taiwanese legal educators have frequently asked

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.

25. To support my ideas, see Greer Anne Wenh-In Ng, *From Confucian Master Teacher to Freirian Mutual Learner: Challenges in Pedagogical Practice and Religious Education*, 95(3) RELIGIOUS EDUCATION 308 (2000).

26. See also Richard W. Shields, *On Becoming a Collaborative Professional: From Paradigm Shifting to Transformative Learning through Critical Reflection and Dialogue*, 2 J. DISP. RESOL. 427 (2008).

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

28. See Amy Huey-Ling Shee, *Taiwan Report: From CCU Legal eLearning Centre to Taiwan Legal Information Centre*, ASIAN LII (Feb. 23-25, 2009), <http://www.asianlii.org/asianlii/conference/2009/20090223.html>.

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.²⁹

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 transactional learning will not or should not, be implemented?

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 emphasized 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 emphasized 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.³⁰

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

29. See Abdul Paliwala & Amy Huey-Ling Shee, *The Development and Application of E-Learning in Law – Some Experiences from Iolis*, 19 KUOLI CHUNGCHENGTAHSIAO FAHSIAO CHIK’AN [NCCU L.J.] 201 (2005).

30. See Jeffrey Riegel, *Confucius – 4. Confucius and Education*, STANFORD ENCYCLOPAEDIA OF PHILOSOPHY (Mar. 23, 2013), <http://plato.stanford.edu/entries/confucius/#ConEdu>.

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. 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, there is a 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.³¹ 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.³² However, the meaning of “conversational” has to be redefined in terms of the Taiwan culture to include eye contact and body language in the classroom³³ and variable forms of communications on the teaching platform.³⁴

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

31. For detailed accounts, see Amy Huey-Ling Shee, *Free Access to Law in Taiwan: Some Socio-Cultural Considerations* (Feb. 25, 2009), <http://www.asianlii.org/asianlii/conference/2009/20090223.html>.

32. 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.

33. 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.

34. Pamela Peters, *Gaining Compliance Through Non-Verbal Communication*, 7 PEPP. DISP. RESOL. L.J. 87 (2007).

Centre utilized university facilities to create ready-to-use prototypes for law school teachers.³⁵ 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.

A. *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 support.³⁶ 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 to offer a collection of "Course Management Tools" which is connected to the university teaching platform named *eCourse*.³⁷ 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, 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"³⁸ under which two trial courses³⁹ are carried out on the basis

35. The following literature provides for good ideas: Deborah J. Merritt, *Legal Education in The Age of Cognitive Science And Advanced Classroom Technology*, 14 B.U. J. SCI. & TECH. L. 39 (2008); Erwin Chemerinsky, *Radical Proposals to Reform Legal Pedagogy: Rethinking Legal Education*, 43 HARV. C.R.-C.L. L. REV. 595 (2008); Leslie Larkin Cooney et al., *More Pedagogic Techniques: Online Exercises & Integrating Skills into Different Kinds of Courses*, 9 TRANSACTIONS 389 (2009).

36. Eli M. Noam, *Electronics and the Future of Law Schools*, 17 J. CONTEMP. LEGAL ISSUES 51 (2008); Katrina Fischer Kuh, *Electronically Manufactured Law*, 22 HARV. J. L. & TEC. 223 (2008).

37. See *ecourse*, KUOLI CHUNGCHENG TAHSIAO [NATIONAL CHUNG CHENG UNIVERSITY], <http://ecourse.elearning.ccu.edu.tw/> (last visited Aug. 26, 2013).

38. See *Hsientai Kungmin Hē, hohsin Nēngli Yangch'ēng Chungch'ēng Kēan Chihua* [Cultivating Citizens' Core Competence], Chiaoyüpu Kuwēnshih Jēnwēn Shēhui K'ēhsiao Chiaoyü Chihua Wang [Advisory Office of Ministry of Education Humanities and Social Sciences Education Program Network], http://hss.edu.tw/plan_detail.php?class_plan=176 (last visited Aug. 26, 2013).

39. See ShihHuiLing Chiaoshou Ch'üanch'iu Shēhui Yü Toyüen Wēnhua Hsiaooh'ün K'ēch'ēng [Prof. Amy Huey-Ling Shee "Cultural Pluralism in Global Society" Group Courses], CHIAOYÜPU KUNGMIN Hē, HOHSIN Nēngli CHIHUA YINGYÜ K'ēch'ēng [MINISTRY OF EDUCATION PLANS CIVIC CORE COMPETENCIES — ALL ENGLISH COURSES], <http://www.lawpack.taiwanlii.ccu.edu.tw/taiwanlii/webapp/taiwanliiCourse/> (last visited Aug. 26, 2013).

of culturally situated blended learning to incorporate classroom learning (C-Learning) and online learning (E-Learning) with the Confucius wisdom of teaching 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.⁴⁰ The eLectures took two forms: one is podcast lectures done with PowerPoint slides; 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 the “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:

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?

40. For understanding of the socio-legal contents, see Amy Huey-Ling Shee, *Impact of Globalisation on Family Law and Human Rights in Taiwan*, 2(2) NTU LAW REVIEW 21, 23-69 (2007).

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 moved 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, 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. Then I move on to remind the class of Judicial Interpretation No.554⁴¹ to consider the legitimacy of decriminalizing adultery, and to give a homework question of no “right” answer.

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 online, a few making recollections of books

41. The Grand Justice Judicial Interpretation No. 554 holds, “(1) Marriage and family serve as the foundation on which our society takes its shape and develops and are thus institutionally protected by the Constitution (*See* Interpretations Nos. 362 and 552). The root of our marriage system lies in the freedom of personality, with such social functions as the maintenance of the order of human relationships and gender equality, and the raising of children. To insure an enduring and unimpaired system of marriage, the state may of course enact relevant rules to require the husband and the wife to be mutually bound to each other by the duty of faithfulness. The freedom of sexual behavior is inseparably related with the personality of individuals, and every person is free to decide whether or not and with whom to have sexual affairs. Such freedom is, however, legally protected only if it is not detrimental to the social order or public interest as it is so provided in Article 22 of the Constitution. Thus, the freedom of sexual behavior is subject to the restriction put on it by marriage and the family system. (2) What type of restriction, if any, must be imposed on sexual affairs between a married person and a third party during the subsistence of a marriage and whether or not an act in violation of such restriction should be made punishable as a crime are problems that must be weighed and determined by the legislature by taking into consideration the customs of the country, which vary between nations. While the Criminal Code, by providing in Article 239 that a person who commits adultery and the other party to the adultery are punishable with imprisonment for not more than one year, imposes a restriction on the freedom of sexual behavior, such restriction is essential in order to safeguard marriage, the family system, and the social order. To avoid overly severe restrictions, however, the Code establishes certain ancillary conditions on the prosecution of the offense of adultery by setting forth in Article 245, Paragraph 1, that the offense is indictable only upon complaint, and in Paragraph 2 of the same Article that no complaint may be instituted if the spouse has connived at or forgiven his wife or her husband for the offense. These statutes are reflective of the value judgment made by the lawmakers to balance the preservation of the systems of marriage and family against the freedom of sexual behavior, and do not go beyond the sphere of discretion of the legislative power nor are they in conflict with the principle of proportionality embodied in Article 23 of the Constitution.” J.Y. Interpretation No. 554 (2002) (Taiwan), *available at* http://www.judicial.gov.tw/constitutionalcourt/en/p03_01.asp?expno=554.

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.⁴² 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 the discussion forum of the course website. When I occasionally put in one or two comments, the number of involved students suddenly raised high.⁴³

It took more than 8 weeks to get oral conversations in the face-to-face class. I tried all sorts of reflective questions but I often had to make substantial part of an answer to lead students to complete. This situation suddenly changed in the 8th week when the right eye contact 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.⁴⁴

42. 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...”.

43. See also Peter Sinclair, *Freedom of Speech in the Virtual World*, 19 ALB. L.J. SCI. & TECH. 231 (2009).

44. 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 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.”

B. *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”.⁴⁵ 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 story⁴⁶ named “Beauty and Sorrow across Boundaries”. Here shows a taste of the “story” as opposed to a “case” study we give law students:

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 Indian cotton and Thai silk to be sold in China. As *Master Yuan* travelled a lot to maintain business 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 indulgent in carnal pleasure, and even the birth of his only son, *Da-Chung* could not bring back his attention to *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 it and ran away from home. Wandering on the streets, *You-Yi* met an Indian

45. It is helpful to refer to Amy J. Cohen, *Thinking with Culture in Law and Development*, 57 BUFFALO L. REV. 511 (2009); James M. Cooper, *Competing Legal Cultures and Legal Reform: The Battle of Chile*, 29 MICH. J. INT’L L. 501 (2008).

46. Palma Joy Strand, *Law As Story: A Civic Concept of Law (With Constitutional Illustrations)*, 18 S. CAL. INTERDIS. L.J. 603 (2009).

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 family⁴⁷....

The story was made sentimental to draw student interests, but for practical use of case studies, 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 a 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 heard and observed. After returning, they were required to take the stands of the immigrant wife, the husband, the child, the mother-in-law and other family members 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

47. For the full story in English, see AMY HUEY-LING SHEE, HUNYIN IMIN JĒNCH'ŪAN ANLI YENHSI YINGYIN TAOTOU SHU [HUMAN RIGHTS IN MARITAL MIGRATION: A GUIDED-LEARNING VIDEO BOOK ON CASE STUDIES] 7-13 (2011).

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.⁴⁸ 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,⁴⁹ 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 respected teacher.⁵⁰

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 were connected to a discussion forum constantly attended to by the teacher/teaching assistants. Instead of teachers giving lectures or asking questions to impose or imply authority over students, computer exercises can offer egalitarian access to an 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”.⁵¹ The drama video is also put on the teaching platform in segments for interactive questions. 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.

C. Background Information: Laundry Family Shame Rite

“Laundry Family Shame (*si men fong*)” 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 performed in public in a commonly accepted

48. It is helpful to refer to *see* Cohen, *supra* note 45; Cooper, *supra* note 45.

49. *See also* Lauren Carasik, “Think Glocal, Act Glocal”: The Praxis of Social Justice Lawyering in the Global Era, 15 CLINICAL L. REV. 55 (2008).

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 DIANA LAURILLARD, RETHINKING UNIVERSITY TEACHING: A FRAMEWORK FOR THE EFFECTIVE USE OF EDUCATIONAL TECHNOLOGY 105 (1993).

51. For the full story and analyses, please *see* SHEE, *supra* note 47.

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 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.

D. *Facts* 【*As Described by the Mother-in-law in an Interview*】

Reporter: After giving birth to a grandson, **Ran-ling** was once treated nicely, wasn’t she?! 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 on the 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 the 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!

E. *Question*

1. *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.

(1) 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.

2. *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 performing the rite by women.

NO

The rite is performed in an **inappropriate** way because it has caused harm to the personal dignity of **Ran-ling**.

3. *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 a eConfucius 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, a eConfucius 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.

F. *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 classrooms⁵² 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. 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 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....”⁵³

With the help of the imagination, 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 imagination on the possibilities of facts other than the court-constructed one. To help discussions on all possibilities, we added DV equipments to display the faces of the students speaking onto the screen(s).

Compared to the seminar room with dual screen, the lecture hall has a

52. 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.

53. Abdul Paliwala, *Falu e hua chiaoyü tê sankê mienhsiang ts'ung tzuliao t'ikung tao hutung shihhsi: ts'ung E tao M* [Three Dimensions of E-Learning: from Resource-Based to Transactional: From E to M], 24 KUOLI CHUNGCHENGTAHSIAO FAHSIAO CHIK'AN [NCCU L.J.] 355 (2008).

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-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 interactive 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

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.⁵⁴ Before that can happen, I would suggest two main directions for reforms on law school curriculum as well as teaching methods.⁵⁵

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 enthusiasms⁵⁶ (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.

54. See also Shirley Lung, *The Problem Method: No Simple Solution*, 45 WILLAMETTE L. REV. 723 (2009).

55. The experiences of Japan, Korea and Mainland China may also be borrowed. See Mayumi Saegusa, *Why the Japanese Law School System Was Established: Co-optation as a Defensive Tactic in the Face of Global Pressures*, 34 LAW & SOC. INQUIRY 365, 365-67 (2009); Matthew J. Wilson, *U.S. Legal Education Methods and Ideals: Application to the Japanese and Korean Systems*, 18 CARDOZO J. INT'L & COMP. L. 295, 295-340 (2010); William K.S. Wang, *The Restructuring of Legal Education along Functional Lines*, 17 J. CONTEMP. LEGAL ISSUES 331 (2008).

56. See also Emily Zimmerman, *An Interdisciplinary Framework for Understanding and Cultivating Law Student Enthusiasm*, 58 DEPAUL L. REV. 851 (2009).

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尋找提升法學教育效能的現代 孔子：一個推動臺灣互動教學的 實驗計畫

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摘 要

在法學教育改革的聲浪中，培養具有獨立思考與對話辯證能力的學生，一直是最重要的教學目標之一，而為達成此目標，英美蘇格拉底的對話式互動教學方法乃備受推崇。然而，西方的對話式教學方法如何能適用於東方文化薰陶的學生，並有效帶動教師與學生間的對話，甚或辯證式的討論，乃為教學方法上的重要議題。本文首先介紹孔子的互動教學方法，並提出其相對於蘇格拉底式教學法的優點。其次藉由在中正大學法學院實驗的「e化孔子戲劇教室」，分享「引導式主動學習」的創新教學方法，並且審視教學經驗與學習成果，希望藉此發現適用於本土法學院學習文化的互動教學方法。

關鍵詞：孔子、蘇格拉底、數位學習、教學方法、互動教學、法學教育改革、東方文化