

INSTITUTIONAL SUPPORT AND APPROACHES TO INTEGRATION

By:
Rosalie Jukier
Faculty of Law
McGill University

1. Trans-systemic Law Teaching

McGill has undertaken a unique way of integrating transnational perspectives into the curriculum by creating a comparative and bilingual environment where the study of several legal traditions and legal cultures is undertaken in an integrated and dialogic manner.

Many courses are “blended” in the sense that they offer the teaching of the subject matter from a multitude of perspectives. Taking the typical first-year course of Contracts as an example, at McGill, we entitle the course *Contractual Obligations* and it deals with contract law and contract issues from both civil and common law perspectives. In this course we canvass primary materials from a variety of different jurisdictions (including Quebec, Canada, England, the U.S., France, Germany and Australia).

2. Aspirations of Trans-systemic Teaching

Trans-systemic Teaching incorporates traditional elements of comparative law but moves beyond it by:

- a. moving from the sequential to the integrated
- b. linking perspectives to legal traditions

The incorporation of “the other”, which refers to other intellectual and legal traditions, ultimately leads to a better understanding of oneself, namely one’s own legal tradition.

Further reading:

Y-M. Morissette, “McGill’s Integrated Civil and Common Law Program” (2002) 52 J. of Legal Education 12;
N. Kasirer, “Bijuralism in Law’s Empire and in Law’s Cosmos” (2002) 52 J. of Legal Education 29;
R. Jukier, “Where Law and Pedagogy Meet in the Trans-systemic Contracts Classroom” forthcoming in the McGill Law Journal.

3. Challenges

- a. linguistic
- b. knowledge of more than one legal tradition
- c. absence of legal materials on the market
- d. re-organizing course outlines
- e. re-thinking methods of evaluation
- f. internal buy-in
- g. community buy-in
- h. resources

4. Ways to Overcome Challenges

- a. collegiality and collaboration
- b. institutional/Faculty support
- c. team-teaching in early years
- d. joint preparation of teaching materials
- e. joint research projects
- f. participation in exchange programmes, international consortia etc.

5. Rewards of Trans-systemic Teaching

- a. practical benefits
 - unique programme to offer
 - increase in admissions
 - increase in yield ratios
 - increased student satisfaction
 - increased attractiveness to a wider net of employers
- b. benefits to the study of law
 - frees the study of law from jurisdictional boundaries, professional restrictions and black letter focus
 - increases perspectives offered to law students
 - creates more agile legal minds and dexterity of legal thought
- c. benefits to legal research
 - creates a vibrant cutting edge atmosphere
 - creates an increase in research grants for joint research projects (example: current joint research project in the Faculty of Law, McGill University for the creation of text/casebooks on Trans-systemic Contract Law and Extra-Contractual Obligations.