

# Teaching Law Across Six Continents

David Oppenheimer, Panos Kapotas and Laura Carlson

## I. Introduction: An Equality Law Multi-University Teaching Experiment

In March of 2020, as the world around us began shutting down, a group of law professors from six continents began meeting online via Zoom to discuss what the pandemic would mean for the equality rights of those already disadvantaged by reasons of race, gender, disability, age, sexual identity, and other forms of othered and intersectional identities. Most of us were members of the Berkeley Center on Comparative Equality and Anti-Discrimination Law.<sup>1</sup> In short order we agreed that we could take advantage of the adage that ‘a crisis is a terrible thing to waste,’<sup>2</sup> and we began to hold seminars and discussions on Zoom to share our experiences. We gathered this wealth of information and expertise and turned it into an online course,<sup>3</sup> COVID-19 and Global Inequalities, taught during the fall of 2020.<sup>4</sup>

**David B. Oppenheimer** is a Clinical Professor of Law at Berkeley Law, University of California, and Director of the Berkeley Center on Comparative Equality and Anti-Discrimination Law. **Panos Kapotas** is a Reader at Portsmouth Law School, United Kingdom. **Laura Carlson** is a Professor in Civil Law at the Faculty of Law, Stockholm University, Sweden.

1. The Berkeley Center on Comparative Equality and Anti-Discrimination Law (BCCEA) is a group of 880 academics, advocates, and activists from six continents working together to address the problem of discrimination and inequality. Berkeley Center on Comparative Equality & Anti-Discrimination Law, *About Us*, BERKELEY L., <https://www.law.berkeley.edu/research/berkeley-center-on-comparative-equality-anti-discrimination-law/about-us/> (2023).
2. The adage seems to have been coined by the economist Paul Romer in 2004. Jack Rosenthal, *A Terrible Thing to Waste*, N.Y. TIMES MAG., July 31, 2009, <https://www.nytimes.com/2009/08/02/magazine/02FOB-onlanguage-t.html>.
3. We use the terms “course” and “module” synonymously, with “course” in its North American (higher) educational context to denote a set of regularly scheduled weekly classes on a defined subject for the duration of an academic term, *Education USA Glossary*, U.S. DEP’T STATE, <https://educationusa.state.gov/experience-studying-usa/us-educational-system/glossary> (last visited Jan. 17, 2023), and the equivalent term in a U.K. context “module,” which denotes a “self-contained, formally structured unit of study, with a coherent and explicit set of learning outcomes and assessment criteria.” *Glossary*, QUALITY ASSURANCE AGENCY FOR HIGHER EDUC., [www.qaa.ac.uk/docs/qaas/about-us/qaas-glossary.pdf?sfvrsn=a94bfc81\\_4](http://www.qaa.ac.uk/docs/qaas/about-us/qaas-glossary.pdf?sfvrsn=a94bfc81_4) (last visited Jan. 17, 2023). The same is true of the terms “course director” (U.S.) and “course convener” (U.K.).
4. In its 2021 iteration, the course was restructured and rebranded as Comparative Equality Law, synthesizing much of the 2020 course but taking a broader approach to issues of inequality.

The course brought together faculty, teaching assistants, and students from fifteen to twenty universities.<sup>5</sup> We met weekly for a combination of brief lectures, plenary discussions, and—most importantly—breakout room discussions with small groups of students from multiple universities, countries, and language backgrounds to discuss critical questions of equality and anti-discrimination law. When the course was completed in December 2020, students and faculty gave it rave reviews, with most of the participants viewing the experience as transformative.

This essay describes, explains and critiques what was essentially an experiment in *teaching about equality law* as well as an experiment in *equality in the teaching of law*. Teaching law, digitally, across six continents, was undoubtedly a unique experience, full of challenges and questions concerning technology, organization, and student participation, not to mention the substantive difficulties that come with the teaching of law without borders. As seen from the discussion and analysis below, the solutions for each of these challenges often relied on the genuine goodwill and the extreme willingness of teachers and participants to make the courses work. Neither should be taken for granted. As the two courses eventually taught were given during the extraordinary period of the COVID-19 pandemic, the pressure on resources experienced by most academic institutions, and the accompanying increase in academic workloads, could as easily have led instead to an apathy fueled by Zoom fatigue and the yearning to return to face-to-face normality. Instead, both teachers and students demonstrated a fervent passion for the courses and their subject matter that translated into a focus on ways to bring about better equality as well as creating community and new ties during a period in which many were suffering from isolation.

By sharing our experiences of these two courses, we hope to inspire others to begin a similar journey while also highlighting the different layers of issues that need to be addressed for this type of course to work. Apart from the commitment and professionalism of everyone involved, the nuts and bolts of a robust and well-thought-out syllabus are a *conditio sine qua non* for the successful planning and running of a course spanning six continents and at least twenty different legal systems.

## II. The Two Digital Global Courses

Our global legal teaching scenario began as a direct response to the COVID-19 pandemic. The onset of the pandemic in the first few months of 2020 caught the world unawares, and higher education institutions were no exception. By the end of March of that year, most universities across the globe had to suspend all face-to-face activities to protect staff and students, as well as to comply with national lockdowns and strict rules around social distancing, shielding and self-isolation. During this time, we, as academic lawyers and law teachers of equality and anti-discrimination law, started realizing the double challenge confronting us. First, we needed to stay alert and keep one another informed

5. The number fluctuated throughout the year, as students from some of the participating institutions were able to attend only parts of the course.

about a continuously evolving legal landscape that was bound to have a profound impact on equality rights in every aspect of social and political life. Second, we needed to make our students feel connected to a living and breathing academic community, even in the absence of a shared physical space. The Berkeley Center on Comparative Equality and Anti-Discrimination Law was the vehicle that made it possible to meet both these challenges and create a digital teaching and learning model that has outlasted the pandemic.

Two courses were eventually born out of this ongoing global collaboration: the COVID-19 and Global Inequalities course and the Comparative Equality Law course.

#### *A. The First Course: COVID-19 and Global Inequalities*

The Berkeley Center on Comparative Equality and Anti-Discrimination Law (BCCE) provided the virtual premises, infrastructure and human and digital resources<sup>6</sup> for the creation of the first digital course on COVID-19 and Global Inequalities. The course was designed between May and July 2020 and was taught during the fall semester<sup>7</sup> of the 2020–2021 academic year to university students of all levels across participating institutions. The course was the product of an extraordinary moment, with less than three months' lead time to pull it together. The instructors were drawn from the BCCE membership. Of the eighteen-core faculty, all but five arranged for students from their universities to join the course, providing an enrollment of approximately 125 students from Argentina, Brazil, Canada, Colombia, France, Italy, the Netherlands, the United Kingdom, and the United States.<sup>8</sup> Colleagues who lectured but did not enroll students came from Australia, Ireland, Malaysia, South Africa,

6. We gratefully acknowledge the organizational and administrative assistance that several student members of the Berkeley Center on Comparative Equality and Anti-Discrimination Law offered in preparing and running this course.
7. For many European institutions this would be the first term of the 2020–2021 academic year. For our colleagues in Argentina, Australia, Brazil, Colombia, and South Africa it was the spring semester.
8. The course conveners for the COVID-19 and Global Inequalities course were David Oppenheimer (University of California, Berkeley, United States) and Panos Kapotas (University of Portsmouth, Portsmouth, United Kingdom). The eleven universities and thirteen faculty that participated with enrolled students were (apart from David Oppenheimer and Panos Kapotas): Isabel Cristina Jaramillo Sierra (Universidad de los Andes, Bogotá, Colombia); Denise Abade (Universidade Presbiteriana, Mackenzie, São Paulo, Brazil); Virginia Marturet (Universidad de Buenos Aires, Buenos Aires, Argentina); Colleen Sheppard (McGill University, Montreal, Canada); Letizia Mancini and Barbara Giovanna Bello (Università degli Studi di Milano Statale, Milan, Italy); Lucia Parlato (Università degli Studi di Palermo, Palermo, Italy); Linda Senden and Rosemarie Buikema (Universiteit Utrecht, Utrecht, The Netherlands); Sophie Robin-Olivier (Université Paris 1 Panthéon-Sorbonne, Paris, France); and Laverne Jacobs (University of Windsor, Ontario, Canada). Those aiding in course planning and teaching but not participating with enrolled students included Puja Kapai (University of Hong Kong, Hong Kong, China); Debbie Collier (University of Cape Town, Cape Town, South Africa); Laura Carlson (Stockholm University, Stockholm, Sweden); Shreya Atrey (University of Oxford, Oxford, United Kingdom); and Karen O'Connell (University of Technology Sydney, Sydney, Australia).

Slovenia, Sweden, and the United Kingdom. The course syllabus was divided among the core group of eighteen faculty based on areas of interest/expertise, with seven guest speakers invited to fill in gaps and provide wider geographic coverage and representation.<sup>9</sup> Each university was responsible for enrolling and examining its own students in accordance with its own academic rules and regulations. As a result, in some participating institutions the course was integrated into the 2020–2021 curriculum and was offered for credit; in others, it was an optional module that students were permitted to take in addition to their for-credit courses or modules. As such, there was no universal student assessment for this course; rather, any such assessment took place within the program and according to the rules and regulations of the home institution of each group of students.

The backbone of the course was a universal fifteen-week syllabus, common for all participating institutions and students. The syllabus was designed by the course conveners, and the content of each class was determined together with the faculty colleagues who had agreed to deliver the lectures for that class. The aim of the syllabus was to offer students a comparative overview of the foundational principles of equality and anti-discrimination law across different jurisdictions, with a focus on how it could be used to mitigate COVID-19-related inequalities. As such, the syllabus began with introductory classes on general theories and sources of equality law and continued with thematic classes on how the pandemic had discriminatory effects in relation to and at the intersection of gender, race, disability, sexual orientation/identity, age, Indigenous status, and poverty. In response to emerging scholarship, some of the thematic classes were also devoted to understanding how the pandemic undermined equality rights and exacerbated existing inequalities in the context of domestic violence, incarceration, ethnicity, gender, and migration.

The course was structured around a synchronous two-hour class once a week via Zoom.<sup>10</sup> Before each weekly class, the teaching faculty met with the course conveners to review the topic and materials and to confirm discussion questions for the breakout sessions. These preparatory sessions had a dual purpose. First, they ensured that all teaching faculty were prepared to lead plenary and small-group discussions (in breakout rooms) of the seminar questions and to help students consider the salient points that each seminar question raised. Second, they provided a forum for conveners and faculty to take stock of feedback from

9. The seven guest speakers, each of whom contributed readings as well as lectures, were Amy Barrow (Macquarie University, Sydney, Australia); Siti Hafsyah Idris (Universiti Teknologi MARA, Shah Alam, Malaysia); Peter Dunne (University of Bristol, Bristol, United Kingdom); Nina Persak (University of Ljubljana, Ljubljana, Slovenia); Gerard Quinn (United Nations Rapporteur for the Rights of Persons with Disabilities, and University of Leeds, England, formerly of National University of Ireland, Galway, Ireland); Alysia Blackham (University of Melbourne, Melbourne, Australia); and Sen Raj (University of Manchester, Manchester, United Kingdom, formerly at Keele University, Stoke-upon-Trent, United Kingdom).
10. Faculty members, of course, had the option of adding local seminars for their own students, according to the academic requirements of their home institution.

previous classes and, if necessary, make adjustments to the structure, format or content of the following classes.

The class format comprised three distinct but interconnected components: mini-lectures, breakout sessions, and plenary discussions. The mini-lectures were delivered by teaching faculty and lasted for no more than fifteen minutes each. The purpose of the mini-lectures was to introduce students to key legal concepts and to some of the core ideas propagated in the reading materials assigned for that class, with a view to enabling a constructive discussion in breakout sessions and plenaries. It is worth noting that achieving a degree of geographic and jurisdictional representation was one of the criteria behind the choice of lecturers for each class. The breakout sessions were a key pedagogic feature of the class, as they enabled all students to become active learners and, wherever possible, engage in peer instruction. There were two breakout sessions per class, one per teaching hour, with each lasting fifteen minutes. The purpose of the breakout session was to discuss a preset seminar-style question in small groups of five to seven students with as wide geographic and institutional distribution as possible. The questions were carefully selected to offer students an opportunity to reflect on the preceding mini-lectures and the readings, while having the “space” to share relevant information, ideas and legal developments from their home jurisdiction.

The plenary discussions were modeled after standard Q&A sessions at the end of conference panel presentations. A faculty member acted as moderator and opened the floor to questions and comments, steering participants toward addressing the most crucial, controversial or topical aspects of the issues raised by the breakout questions. The chat function was used very often during the plenary discussions to add nuances to points made or to share useful information on and explanatory materials from different jurisdictions.

In addition to these main components, each class also contained two more elements that were intended to highlight the coherence of the syllabus and give students a sense of continuity in the teaching of the course. Each class started with a five-minute introduction to the topic by one of the course conveners. The introduction not only allowed the conveners to briefly present the class topic and the lecturers, but it also gave them an opportunity to contextualize the topic within the syllabus and to establish connections and links with previous classes. At the end of each class, a faculty member was tasked with offering a five-minute wrap-up. The wrap-up was at once reflective and forward-looking, providing students with a summary of some of the key ideas discussed in that class and creating a bridge with the topic that would be covered in the following week.

In its initial iteration, therefore, a typical class would begin with a five-minute introduction, followed by two fifteen-minute mini-lectures and a twenty-minute breakout session in the first hour; and a fifteen-minute mini-lecture, a twenty-minute breakout session, a fifteen-minute plenary discussion and a five-minute wrap-up in the second hour. Most of the faculty remained in the Zoom room after class ended for “podium time” with students. After the first few weeks of classes, however, it soon became clear that we were trying to cram too much

lecture time into the two-hour slot. By the middle of the semester, we had settled on two mini-lectures for each class instead of three and a second plenary discussion at the end of the first hour. In its final iteration, therefore, the class format was as follows: a five-minute introduction, a fifteen-minute mini-lecture, a fifteen-minute breakout session and a twenty-minute plenary discussion in the first hour, and a repeat of these components in the second hour, with the addition of a five-minute wrap-up at the end of the class.

Throughout the term, we continued to reflect on how to run classes most effectively and introduce improvements where needed. For instance, from the outset we decided to use closed captions to accommodate students who might need them to follow the class more comfortably. This was particularly useful given that, for most of our students and faculty, English was their second or third language. Also, when a class was heavy in content, we sometimes asked teaching faculty to prerecord their mini-lectures to ensure lectures did not eat into the time of the other class components. We soon discovered that having some of the mini-lectures prerecorded and using those recordings synchronously in class had the added bonus of improving the quality of closed captions.

Another significant change that came in response to direct student feedback had to do with the running of small-group discussion in the breakout sessions. Initially faculty members stayed out of the breakout rooms to allow for peer instruction and to give students more freedom in deciding their approach to the breakout question. But students pointed out that this was not ideal, as it often took time for students to get up to speed with a question, and the quality of the small-group discussion could vary considerably from group to group. As a result, after the first few weeks we ensured that a faculty member or a teaching assistant was present in each breakout room to help direct the discussion. In turn, this was reflected in our preparatory sessions, in which we started sharing best practices with one another on how to support students in breakout sessions most effectively.

It is worth noting that we continuously sought and took account of faculty and student feedback—first in bringing together and then fine-tuning the different elements of the course. From a faculty point of view, the most rewarding parts of the class were the plenary discussions, in which we engaged with our students and with one another in a truly international—albeit only digital—academic space. Equally rewarding were the faculty preparatory sessions, in which we discussed the materials in advance of each class, learning from one another and contributing to what can be described as collaborative research-led teaching. It was exciting to figure out collectively what were the most appropriate materials to use in teaching such a diverse group of students, and to share feedback on what the students made of the breakout questions and materials from the previous class. Students, on the other hand, were almost unanimous in identifying breakout discussions as the best part of the class. This is hardly surprising, as the breakout rooms were not only virtual meeting places for students from around

the globe, but also peer-to-peer learning spaces that offered students a glimpse of the very many different legal systems and cultures represented in the course.<sup>11</sup>

### *B. The Second Course: Comparative Equality Law*

Given the success of the COVID-19 and Global Inequalities course, and with the infrastructure already in place, the decision to design and deliver a second course for the fall semester of 2021 was easy to make. Comparative Equality Law was conceived as a course that would combine the unique experience of multi-university online teaching with the expectation of a return to some degree of academic normalcy. This combination led us to design a syllabus with a broader focus on key equality questions considered through a comparative lens. As such, the baseline for our syllabus was the standard syllabus used in equality and anti-discrimination law courses and modules taught in our home institutions, with two significant differences. First, despite the hope that COVID-19 would eventually be defeated, the course inevitably retained some focus on the impact of the ongoing pandemic on equality law and equality rights. Although this connection was stronger in relation to some topics, once again we utilized the pandemic as the real-life backdrop against which to measure the effectiveness of and explore the gaps in equality law. Second, the design of the course had to take account of practical challenges that come with the territory of teaching law across different continents. The most significant of these challenges was the different points in the fall semester at which participating universities would join the course, depending on when their local semester or term began. To facilitate these staggered entry points, we designed a syllabus on five thematic circles, each of which typically comprised three classes. Arranging the syllabus around thematic circles rather than weekly topics effectively created five natural entry and exit points to the course. This, in turn, not only enhanced the coherence and continuity of the syllabus but also helped simplify the process of designing the localized components of the course.<sup>12</sup>

The five thematic circles of the syllabus were: theories and sources of contemporary equality law; employment discrimination law (protection of race, sex, age, disability, LGBTQ+ status, intersectional discrimination); religion and equality (secularism, religious equality as a human right, abortion); sexual harassment and violence; and affirmative action (positive action, gender parity, protection on grounds of race, caste, origin). For this course, the syllabus was

11. The materials and class recordings for the COVID-19 and Global Inequalities course were incorporated in 2021 in a MOOC course that was attended by hundreds of students from a total of fifty-seven countries, with education levels between high school and doctorate degrees. The MOOC course has now been relaunched for its 2022 iteration. See David Oppenheimer et al., *Covid-19 and Global Inequalities*, EDX (2023), <https://www.edx.org/course/covid-19-and-global-inequalities>.
12. Designing assessment artifacts for students who joined the course after six or seven weeks, for instance, was considerably easier, as the artifact could correspond to the second or the third thematic circle.

underpinned by a common textbook on comparative equality law,<sup>13</sup> which was a standard source for the essential reading for each class. In addition, lecturers were asked to assign additional readings that would further highlight aspects of the topic or legal questions and developments they would be focusing on in their lecture. To ensure that student workload remained manageable, we introduced a limit of fifty pages of essential reading per class,<sup>14</sup> although we offered students an abundance of additional resources so that they could explore particular topics in more depth if they so wished.<sup>15</sup>

The basic structure of the course remained the same, with the synchronous two-hour class once a week via Zoom as the principal axis of our joint venture. Given our efforts to fine-tune the class format in the previous iteration of the course, we retained the three core components of mini-lectures, breakout sessions and plenary discussions, as well as the additional features of introduction and wrap-up. The typical class, therefore, comprised:

- a five-minute introduction, a fifteen-minute mini-lecture, a fifteen-minute breakout session, and a twenty-minute plenary discussion in the first hour; and
- a fifteen-minute mini-lecture, a fifteen-minute breakout session, a twenty-minute plenary and a five-minute wrap-up in the second hour (followed by virtual podium time).

The content of each class was decided by the lecturers together with the course conveners in meetings that took place before the start of the course. As explained, the backbone of the syllabus and its thematic structure were designed by the course conveners, who then organized separate meetings with the two lecturers of each class to decide on the specific contents of the class, the essential reading (in addition to the reading assigned from the set text) and the seminar-style questions for the breakout sessions. Instead of the helicopter view of the first course, in the Comparative Equality Law course we adopted a problem-based approach to examine how the law protects equality rights in different jurisdictions. Although lecturers enjoyed a wide margin of discretion in proposing breakout questions that fit best with the core message of their mini-lectures, the course conveners tried to ensure that most of these questions corresponded to this problem-based learning ethos.

Our comparative examination of United States, European, and other national, regional, and international legal systems (including those of India, Brazil, Colombia, Canada, France, and South Africa) was reflected both in the

13. The textbook we used was DAVID B. OPPENHEIMER ET AL., *COMPARATIVE EQUALITY AND ANTI-DISCRIMINATION LAW* (2020), chosen in part as it is available both in hard copy and digitally and because it has a far lower price than most U.S. law school casebooks.

14. This usually worked out as 15-20 pages of essential reading from the textbook and 30-35 pages from the additional readings assigned by the class lecturers.

15. Additional resources on specific topics were particularly useful to students working on the different assessment artefacts at their home institutions. Faculty members were, of course, able to decide whether they wished to add more readings in accordance with their 'local' needs and requirements.



breakdown of topics in each thematic circle and in the division of labor among faculty members with regard to delivering mini-lectures. Across the three weeks of a thematic circle, therefore, we would typically ensure not only that different aspects of the theme were covered, but also that these aspects were considered from different jurisdictional perspectives. For obvious course management reasons, not all aspects of a theme could be considered from all jurisdictional perspectives. For instance, in the equality and religious freedom theme, the legal questions around religious symbols and religious dress in the workplace were discussed from a European law perspective, whereas the legal questions around reproductive rights were discussed from the perspectives of U.S. law and Indian law. As one might expect, the choice of jurisdiction for each aspect of a theme or each legal question was often dictated by recent developments in law or case law that rendered that jurisdiction a prime legal space for an exploration of how equality law works in practice.

Building on what we knew had worked well in the COVID-19 and Global Inequalities course, we continued to rely on organizational and administrative assistance from the Berkeley Center on Comparative Equality and Anti-Discrimination Law in preparing and delivering the course.<sup>16</sup> At the same time, we introduced innovations in both the preparation and the running of classes, the most important of which was the active participation of teaching assistants in the running of breakout sessions. As student numbers grew, we anticipated that there would not be enough faculty members to join each breakout room, which had helped raise the quality of small-group discussions according to student feedback. Several of our faculty members, therefore, extended invitations to current or former students, practitioners and Ph.D. researchers and research assistants to join the course as teaching assistants, tasked with leading breakout sessions. This, in turn, created the need for a more structured approach to class preparation meetings to ensure that the teaching assistants—who were at different stages in their careers and not necessarily equality law specialists—were fully prepared to carry out their role. As such, we continued the practice of preparatory sessions before each class that were recorded for those unable to attend. Additionally, the conveners and the lecturers prepared and made available teachers' notes for each class, explaining the rationale behind the questions for that class and offering a summary of the key points that we hoped students would consider in each breakout session. Finally, we assigned the responsibility to different members of faculty each week to lead the plenary discussion at the end of each hour. This not only ensured that more faculty members were actively engaged in the running of each class, but it also helped add yet another layer of geographic and jurisdictional representation to our comparative global perspective.

16. We are very grateful to Jessica Davis for her administrative support, making our complicated process look easy. We are equally grateful to Megan Cistulli, Civil Rights Research Fellow at the Berkeley Center on Comparative Equality and Anti-Discrimination Law, for her tireless efforts in the administration of the course in its 2022-2023 iteration. Our profound thanks also go to Lindsay Harris, who stepped in at the last minute to cover for David Oppenheimer in 2022-2023.

The Comparative Equality Law course ran for sixteen weeks between mid-August 2021 and mid-December 2021, with a total of over 125 students from twelve universities participating in all or some of the classes and an additional ten lecturers from around the world.<sup>17</sup> At the time of writing, the 2022 course has just been completed much along the same lines as the 2021 course, and we are now preparing for the 2023 iteration of the course.

### III. Digital Teaching and Learning: Challenges and Opportunities

Teaching law in a digital environment comes with its own set of challenges, most of which are, admittedly, magnified when the teaching and learning takes place across several continents and institutions. Apart from the obvious technical challenges brought about by reliance on digital technology, we also encountered organizational and pedagogical challenges that together raised the bar of difficulty for the successful completion of both our courses. At the same time, however, these challenges created incentives for more efficient collaboration and, often, for innovative thinking with a view to finding practical, out-of-the box solutions. Almost all the challenges were common to the two courses. As such, many of the solutions and ideas we tested in our first course on COVID-19 and Global Inequalities were implemented—unchanged or with the necessary improvements and tweaks—on the second course on Comparative Equality Law.

#### *A. Organizational Challenges*

Organizational challenges became apparent as soon as we started designing the first course on COVID-19 and Global Inequalities. Four questions were prominently displayed on our (virtual) drawing board: first, where would the course be anchored; second, how would the course be accredited (if at all); third,

17. The course conveners for the 2021 Comparative Equality Law course were David Oppenheimer (University of California, Berkeley, United States) and Panos Kapotas (University of Portsmouth, Portsmouth, United Kingdom). The ten universities and twelve faculty that participated with enrolled students were David Oppenheimer; Panos Kapotas; Laura Carlson (Stockholm University, Stockholm, Sweden); Denise Abade (Universidade Presbiteriana Mackenzie, São Paulo, Brazil); Virginia Marturet (Universidad de Buenos Aires, Buenos Aires, Argentina); Letizia Mancini and Barbara Giovanna Bello (Universita degli Studi di Milano Statale, Milan, Italy); Lucia Parlato (Universita degli Studi di Palermo, Palermo, Italy); Linda Senden and Rosemarie Buikema (Universiteit Utrecht, Utrecht, The Netherlands); Sophie Robin-Olivier (Université Paris 1 Panthéon-Sorbonne, Paris, France); Isabelle Rorive (Université Libre de Bruxelles, Brussels, Belgium); Kelley Loper (University of Hong Kong, Hong Kong, China). Invited lecturers included Sandra Fredman (University of Oxford, Oxford, United Kingdom); Debbie Collier (University of Cape Town, Cape Town, South Africa); Shreya Atrey (University of Oxford, Oxford, United Kingdom); Colleen Sheppard (McGill University, Montreal, Canada); Severyna Magill (Sheffield Hallam University, Sheffield, United Kingdom); Rosemary Salomone (St. John's University, New York, United States); Lucy-Ann Buckley (National University of Galway, Galway, Ireland); Karen O'Connell (University of Technology Sydney, Sydney, Australia); Colm O'Connell (University College London, London, United Kingdom); and Laverne Jacobs (University of Windsor, Ontario, Canada). Some classes were audited by students from Bahçeşehir University (Istanbul, Turkey), under the direction of Professor Feridun Yenisey.

how could we achieve synchronous delivery across a range of time zones; and, fourth, how would we achieve the required teacher participation.

The institutional anchoring of the COVID-19 and Global Inequalities course was at once the simplest and the most significant administrative question to get right. The course was designed to be (and was going to be) delivered under the auspices of the BCCE, which meant that UC Berkeley was the obvious institutional home. But UC Berkeley made it clear that the institutional anchoring could not be seen as creating an entitlement or an expectation for non-UC Berkeley students to have a UC Berkeley certification or credit of any kind. As such, we needed to tread a fine line in all our communications to students and faculty so that it was unequivocally clear that the course was *run* by the BCCE and UC Berkeley<sup>18</sup> but not *offered* by UC Berkeley alone or together with any other participating institution as part of a degree, except for Berkeley students.<sup>19</sup>

In practice, what we needed was to enable all staff and student participants the same access to electronic resources via UC Berkeley while managing expectations in terms of what the UC Berkeley anchoring of the course meant (and did not mean). Indeed, UC Berkeley generously agreed to make its virtual learning environment, the “bCourses” platform (built on the open-source Canvas platform), available to all students participating in the course. Non-UC Berkeley students, as well as non-UC Berkeley faculty, were able to register with their institutional or personal e-mail account as guests and gain full access to the course-dedicated page on bCourses. This made it possible to use bCourses throughout the semester as our shared virtual space for disseminating course information, sharing reading lists, and uploading recordings and other materials. This arrangement was maintained for the second course on Comparative Equality Law, as UC Berkeley remained the institutional anchor of the course.

The question of anchoring was closely linked to the second administrative question, that of accreditation. Our ambition with the first course on COVID-19 and Global Inequalities was to design and deliver a joint multi-university digital course. In this regard, accreditation was bound to be a tricky question, especially given the short lead time we had to prepare for and launch the course. Accreditation raised two fundamental problems. The first was that participating universities had conflicting approaches with respect to accepting credits from different institutions or to offering joint (or dual) courses. Stockholm University, for instance, did not (and still does not) permit courses to be offered jointly with another university, although this is currently under consideration, while other universities, such as Sorbonne I, already offered joint courses, programs and even degrees. The second problem, as explained earlier, was that UC Berkeley was not prepared to offer credit in any shape or form to non-UC Berkeley students for this course.

18. In collaboration with the University of Portsmouth in the United Kingdom, as the institutional home of the second co-convener.

19. See the following discussion on accreditation for more details on this.

After a short-lived attempt to navigate the different academic rules, policies and practices across all the participating institutions, we soon came to the conclusion that the most sensible option was to leave questions around accreditation to each participating institution. The course, therefore, would be open to students from participating universities,<sup>20</sup> but the “rules of engagement” with the course were not to be centrally decided, with the exceptions of the shared universal syllabus and the joint synchronous two-hour class. This meant that all other academic matters—including whether and under what conditions participation in the course was permitted, whether the course would be offered for credit as part of the local programs or not, and what the assessment strategy would be—would be determined unilaterally by each institution according to its own academic regulations. By the same token, participation in the course would not entitle non-UC Berkeley students to any certification issued by UC Berkeley as the institutional home of the course.<sup>21</sup>

The principle of decentralized decisions on matters of accreditation and academic regulations was generally maintained for the second course, on Comparative Equality Law. This way we ensured that each participating institution had the autonomy to make choices that would fit its own program of studies. The standard solution that most participating institutions opted for was to integrate the course into one of their existing modules, usually offered for credit, or to create a new module that formed part of the local curriculum. This meant that some institutions, such as UC Berkeley and the University of Portsmouth, decided to offer a local module that was synonymous with the course (i.e., Comparative Equality Law), either at graduate<sup>22</sup> or undergraduate<sup>23</sup> level. Other institutions integrated the course into existing programs; Stockholm University, for example, offered its students the opportunity to participate in the course as part of the master’s-level elective course, Equality Law, offered by the Department of Law.

What is worth highlighting is that the organization of the course in this way allowed each participating university to maintain total academic regulatory autonomy. In essence, each of the twelve participating universities offered a course through its own academic members of staff, during its own academic calendar, in compliance with its own rules and regulations, and without any contractual agreement with any other institution. Academic members of staff who contributed to the course agreed that they and their students would join a weekly online class, but other than that, students from each participating institu-

20. Which were the home institutions of members of faculty who had agreed to participate.

21. At the end of each course the conveners sent each student and member of faculty a thank-you letter, confirming the details of the course and thanking the participants individually for their contributions.

22. Comparative Equality Law (M32296) was offered as an optional LL.M. module at Portsmouth Law School in the first term of the academic year 2021–2022.

23. Comparative Equality Law (Legal Studies 137) was offered as an optional undergraduate course by the Faculty of Legal Studies at UC Berkeley in the first semester of the academic year 2021–2022.

tion were enrolled in a local academic degree program only, and no institution awarded credit to any students other than its own.

Once the institutional-level administrative challenges were successfully negotiated, the next organizational challenge was to work out a feasible and effective synchronicity and synchronization plan. It goes without saying that figuring out the most suitable time or times for the synchronous two-hour class was at the top of our planning agenda. Finding a suitable time for all participants, however, proved to be an impossible task for the first course on COVID-19 and Global Inequalities. With participants from Australia, North and South America, Europe and East Asia, some of our students and faculty members had to wake up very early in the morning, while others had to stay up most of (their) night to join our synchronous class.<sup>24</sup> In an attempt to mitigate the unequal impact of geography on colleagues and students at different parts of the globe, the class time was changed halfway through the semester. With the second course, on Comparative Equality Law, however, we needed the stability of a standard time for the synchronous class throughout the semester, given that for most participating universities this was an accredited course.<sup>25</sup>

Apart from synchronicity across time zones, we were also faced with another synchronization challenge, as we needed to take into account that academic term dates differ drastically from region to region. This problem was less pronounced with COVID-19 and Global Inequalities, which was always intended to provide a live commentary to ongoing developments. As such, the point at which students from different institutions joined the course did not substantially affect their ability to be fully integrated into the teaching and learning process, especially if they followed the advice to watch the recordings of the first two classes (Introduction and Theories of Equality, respectively). The different joining times in the academic year were more of an issue, however, when it came to the second course, on Comparative Equality Law, which was typically offered for credit by most participating institutions. As explained earlier, this was the main rationale behind the thematic course design that naturally created different entry points to the course with minimal disruption to either early participants or new entrants.

The last but certainly not the least significant organizational challenge was to secure the voluntary contribution by members of staff from across the world who helped build the syllabi for the two courses. Given the extraordinary circumstances under which the first course, on COVID-19 and Global Inequalities, was designed and delivered, most colleagues offered their time entirely

24. A two-hour class set at 3 p.m. Universal Standard Time (UCT) meant that colleagues and students from Sydney Technical University in Australia would have to stay up between midnight and 2 a.m., while colleagues and students from UC Berkeley would have to be up for a 7–9 a.m. class.
25. The fact that no institution from Australia or mainland China joined this second course, contrary to the original planning, made things only slightly easier, with the class starting at 7 a.m. for UC Berkeley and finishing at midnight for the University of Hong Kong colleagues and students.

voluntarily, and only a small minority were somehow reimbursed by their home institutions. This was true for both the colleagues who brought their students to the weekly joined classes and for those who contributed solely through delivering lectures. The same voluntarist spirit was, of course, strong in the student cohort of that first course, as most institutions permitted participation but did not offer any academic credit for it. Voluntary contribution of faculty members remained very much the heart of the second course, on Comparative Equality Law. Although accreditation meant that, for most institutions, faculty contributions to the course would now be reflected on internal workloads, making the student experience as smooth as possible required a considerable amount of work behind the scenes that was not formally credited.

### *B. Technical Challenges*

At the start of the planning stage for each course, it was necessary to make a decision on two technical matters: which videoconferencing platform to use and how to ensure online security. The choice of Zoom as our videoconferencing platform was based on a combination of ease of access and functionality. In late spring 2020, when preparing the first course, on COVID-19 and Global Inequalities, a UC Berkeley institutional Zoom account was available to use and set up the joint synchronous classes. The fact that students and faculty would be able to join through a free personal or university account was an important factor in the final decision. The decisive feature, however, that made Zoom the virtual home of our two courses was the breakout room functionality, which allowed us to design classes with seminar-style components and maximum peer-to-peer interaction.

This is not to say that our experience with videoconferencing across the two courses was plain sailing. As one might expect, the quality of the synchronous experience varied considerably for individual participants depending on their internet access. This had a knock-on effect on how successfully we could enforce our policy that all participants would keep their cameras on throughout the synchronous class. Despite the strong pedagogic rationale for the cameras-on policy, which helped create a sense of community, collegiality, and equality among teachers and students, in practice we ended up adopting a more relaxed, pragmatic approach as an inevitable concession to the vast inequalities of access to the digital universe.<sup>26</sup>

The question of equality of access was also brought up in relation to the potential difficulties that some of our students might face in following the synchronous lectures, either because of a disability or because of the level of their English language proficiency. Different accents were also a possible barrier to access, given that English was, of course, our lingua franca but not the first language of most of the lecturers and most of the students. Our early response to this challenge was to record all synchronous classes, but technology soon put one more tool at our disposal. As soon as the live caption function became

26. In reality, the majority of our students across the two courses managed to keep their cameras on most of the time.

available on Zoom, we adopted it as a standard feature of the synchronous component of both courses.

The hosting and the format of the synchronous Zoom classes were also not entirely straightforward. Using a UC Berkeley institutional account meant that our UC Berkeley convener had to be present at the start of every class to enable all other features of Zoom, from breakout rooms to screen-sharing. To hedge our bets and minimize the dangers of relying on one individual's stable connection throughout the two-hour class, our standard practice was that the host of the meeting would make all lecturers and teaching assistants co-hosts as soon as they joined. We also opted for a standard meeting rather than a webinar format, both because this made the running of breakout sessions and plenaries easier and because of the symbolism of having all participants together in the same virtual room. We continuously tried to reinforce this sense of shared academic community in which everyone participates on an equal footing, most notably by trying to maintain as much geographic and institutional diversity in each breakout room as possible. To achieve this, we asked all participants to add their institutional affiliation to their name as soon as they joined the class so that our teaching assistant in charge could spread out students from each institution across different breakout rooms.

Online security was the final organizational hurdle we had to overcome. This was another difficult equation, given the rise in incidents of online harassment and bullying, some of which we had personally experienced through disruption of other BCCE online events. Our concern was also fueled by the nature of the topics we covered in the two courses, which were often at the heart of incendiary political rhetoric in many countries during the pandemic. The first line of defense was provided by UC Berkeley IT security protocols, which required that all those joining a UC Berkeley Zoom meeting would have to be registered Zoom users and sign in with their own personal (or institutional) account. As an additional precaution, some of our faculty members were trained in how to respond to "Zoom-bombing," so that there would be swift reaction to potential threats if necessary. Fortunately, we never needed to make use of this precaution, and no incident occurred in any of the thirty online classes across both courses.

### *C. Pedagogical Challenges*

The pedagogical challenges raised by the two courses were by far the most interesting and productive, in the sense that they constituted a constant motivation to find new ways of keeping students at the center of our teaching and learning strategy. As expected, we faced both general pedagogical challenges, inherent in the transition from face-to-face teaching to a digital learning space, and concrete pedagogical challenges that were specifically connected to the teaching of (equality) law.

#### 1. General Pedagogical Challenges

The most immediate pedagogical focus when designing the first course, on COVID-19 and Global Inequalities, was on the transition from classroom

face-to-face teaching to digital remote teaching. Apart from the technological challenges this transition generates, as discussed above, research has shown that the dissemination of knowledge and learning processes differ when we move from the analog world of the classroom to the digital universe. With the benefit of hindsight, the main challenges we had to overcome when designing and delivering the two courses included fostering active and deep learning combined with critical thinking, traversing a classroom that was multilingual and multi-educational in terms of level and discipline, and activating students despite the digital format.

Empowering our students to become active and deep learners as well as critical thinkers was a prioritized guiding principle in designing the content and structure for both courses.<sup>27</sup> Based on a constructivist idea of virtual classroom learning as a team endeavor, we developed (or borrowed) and implemented a variety of teaching techniques (open and semistructured plenary debates, small-group discussions in breakout rooms, etc.) to ensure that all our students would get an equal chance of making the most of our shared learning experience, regardless of their different cognitive styles<sup>28</sup> or their different ethnic, social, or economic backgrounds.<sup>29</sup> Throughout the two courses we made a conscious and consistent effort to instill and reinforce in our students a strong sense of belonging to an academic community,<sup>30</sup> which would provide the space for critical thinking. One of our ways to achieve this was to ask students and teachers to keep their cameras on and to add their institutional affiliation to their on-screen name so that we could all see, acknowledge, and engage with one another on equal terms.

A focus on active learning naturally went hand in hand with encouraging critical thinking in this context.<sup>31</sup> Structuring the two-hour classes around

27. Robert Duron et al., *Critical Thinking Framework for Any Discipline*, 17 INT'L J. TEACHING AND LEARNING HIGHER EDUC. 160, 160-166 (2006); WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS—PREPARATION FOR THE PROFESSION OF LAW SUMMARY 9, *Recommendation 5* (2007), designing a law program so that students and faculty weave together disparate kinds of knowledge and skill.
28. RICHARD RIDING & STEPHEN RAYNER, COGNITIVE STYLES AND LEARNING STRATEGIES: UNDERSTANDING STYLE DIFFERENCES IN LEARNING AND BEHAVIOUR (1998); FRANK COFFIELD ET AL., LEARNING STYLES AND PEDAGOGY IN POST-16 LEARNING: A SYSTEMATIC AND CRITICAL REVIEW (2004).
29. Jennifer M. Case, *Alienation and Engagement: Development of an Alternative Theoretical Framework for Understanding Student Learning*, 55 HIGHER EDUC. 321, 321-332 (March 2008); Sarah J. Mann, *Alternative Perspectives on The Student Experience: Alienation and Engagement*, 26(1) STUD. HIGHER EDUC. 7, 7-19 (2001).
30. See, e.g., Kia H. Vernon, *Zooming Through Law School: Lessons Learned from Remote Learning During the COVID-19 Pandemic*, 65 ST. LOUIS U. L. J. 717, 723 (2021).
31. For more on the importance of active learning, see Keith A. Findley, *Assessing Experiential Legal Education: A Response to Professor Yackee*, 2015 WIS. L.R. 627, 631 (2015) (finding that according to adult learning theory: "(1) Learning should be through mutual inquiry by teacher and student . . .; (2) emphasis should be on active, experiential learning . . .; (3) learning should relate to concurrent changes in the students' social roles . . .; and (4) learning should be presented in the context of problems that students are likely to face . . .").



breakout sessions and plenary discussions facilitated a shared exploration of topics by teachers and students through the application of theoretical knowledge to concrete legal questions central to equality law.<sup>32</sup> Creating constructive alignment<sup>33</sup> among the materials, lectures, and discussions while maximizing teacher input was instrumental in achieving internal coherence within each of the courses. It goes without saying that constructive alignment—and, eventually, internal coherence—required a considerable amount of work. Four aspects of our course design proved to be of great importance in this regard: first, the clarity in determining the learning outcomes we wished to achieve; second, the teacher planning meetings, especially given the number of faculty members and teaching assistants involved in each class; third, the participation of most faculty members in every class (and not just the classes they lectured in); and, fourth, the articulation of breakout questions, so that each question was carefully matched to the essential reading and the lecture content.<sup>34</sup>

A second challenging aspect of teaching the two multi-university courses was the difference in linguistic and academic student backgrounds. A majority of the students participating in the courses had English as a second, third, or fourth language. The structure of each class (unknowingly at the time of course design and planning) in essence followed certain recommendations for multilingual classrooms, including: understanding that each learner is unique; being kind and supportive;<sup>35</sup> treating all languages (and legal systems) equally; setting realistic learning goals and keeping learning flexible; proposing real-world tasks for breakout sessions; fully utilizing additional learning resources when organizing group (breakout) sessions; and encouraging teamwork and collaboration.<sup>36</sup> Both teachers and students were acutely aware that the linguistic diversity was part of the identity of the two courses. As such, creating a safe environment, in which all could participate without being held back by the language barrier, was an overarching priority.

Our students were all also at different stages of their academic journeys, from second-year bachelor's students to graduate students, with many, but not all,

32. Frank I. Michelman, *The Parts and the Whole: Non-Euclidean Curricular Geometry*, 32 J. LEGAL EDUC. 352, 353-354 (1982) (“It is axiomatic in learning theory that when cognitive studies are accompanied by active engagement in their application to concrete problems, a likely result is fuller comprehension, better retention, and apter recall of the cognitive material”); Gary F. Hess, *Principle 3: Good Practice Encourages Active Learning*, 49 J. LEGAL EDUC. 401, 402 (1999) (explaining that active learning “includes a belief that legal education should help students understand legal concepts and theory, improve critical thinking, and develop professional skills and values”).
33. See generally John Biggs, *Constructive Alignment in University Teaching*, 1 HERDSA REV. HIGHER EDUC. 5, 5-22 (2014).
34. David Thomson, *Elements of Effective Online Instruction in Law*, 65 ST. L. U. L. J. 703, 703-15 (2021); Margaret Ryznar, *A Brief Guide to Online Teaching*, 11 HOUS. L. REV.: OFF THE REC., 69, 79 (2021).
35. Both faculty members and students adhered strictly to this principle throughout the two courses.
36. See generally Eric Wyatt, *9 Teaching Strategies for Multilingual Classrooms*, IZOOD (Dec. 10, 2021), <https://izood.net/blog/9-tips-for-teaching-multilingual-learners/>.

enrolled in a law program. Inevitably, this entailed different groups of students coming into each of the courses with different knowledge bases and very different skill sets. Again, in designing our classes we tried to take account of this divergence and turn it into one of the unique features of the two courses, with a view to empowering students from all levels to participate in small-group and plenary discussions. The key in this regard was to ensure that faculty members acting as plenary discussion leaders, as well as teaching assistants in breakout sessions, were prepared to encourage student engagement while helping less advanced students to make connections between what was being discussed and the core content of the class. This balance was somewhat more difficult to strike with the second course, on Comparative Equality Law, given the stricter adherence to a standard law syllabus, with a set textbook and additional reading materials providing the backdrop for seminar-style breakout questions.<sup>37</sup> Nonetheless, our unwavering commitment to an ethos of treating students and faculty equally regardless of background, whether linguistic or academic, remained the cornerstone of how classes were run and helped create a culture of open and constructive contributions to every class discussion.

Last, but not least, when designing the second course, on Comparative Equality Law, we (as well as basically all teachers across the globe) were painfully aware of the risk for Zoom fatigue<sup>38</sup> and passivity by students, who had by then been involuntarily thrown into the world of remote or blended learning for two years since the start of the pandemic. This was, of course, the principal motivation behind designing classes with different segments in each two-hour session, and this proved to be a successful strategy. However, achieving the desirable levels of student participation and student interaction in a multi-university digital course is a rather more complicated story.

Student participation in courses generally varies greatly from institution to institution and from country to country. As discussed above, in some educational systems law programs begin at an undergraduate level, while in others law degrees are offered only at a graduate level. Class sizes vary accordingly, with cohorts of anything between fifteen and 800 students, depending on the institution and the program. Expectations as to active student participation will also, naturally, vary according to course size, with larger courses effectively suffering from little to no student participation. A spectrum of different attitudes and expectations could be identified in the two courses, with American students, for example, being very accustomed to having to participate in class discussions, and Swedish students being unfamiliar with spontaneous student participation in large groups. As expected, the exposure to what was for many a new style of learning generated mixed feelings for some groups of students,<sup>39</sup> although the overall student assessment was definitely positive.

37. See generally Colleen Graffy, *Pandemic Pedagogy and its Application for International Legal Education and the Hyflex Classroom of the Future*, 46 S. Ill. U. L. J. 45, 50 (2021).

38. See, generally Linda D. Jellum, *Did the Pandemic Change Legal Education for Better or Worse?*, 69 DEP'T JUST. FED. L. & PRAC. 67, 71 (2021).

39. Several of the Swedish students in both courses, for instance, remarked that they had to get

The interaction in the breakout rooms was perhaps one of the most highly valued components of both courses by the students themselves. The breakout sessions in both courses were designed with a teaching assistant aiding the discussions to ensure that students could interact within the framework set by the seminar-style questions. Often, individual contributions focused on issues related to a student's own knowledge or experience with reference to the student's own jurisdiction. In these cases, the role of the teaching assistant was crucial in making connections with the specific breakout question and ensuring that the student's unique contribution could bring an interesting new perspective to the plenary discussion.

## 2. Law-Specific Pedagogical Challenges

Apart from the general pedagogical challenges residing in the digital teaching universe, the unique nature of the two courses added another layer of challenges pertaining specifically to the teaching of law in a multi-university context. The heterogeneity of the student body in both courses, in terms of geography, linguistic ability, and academic level, and the difficulties this created have already been discussed in the previous section. As explained, this heterogeneity was at its peak in the first course, on COVID-19 and Global Inequalities, in which some of the participating students were not even enrolled in a law program. However, the real challenge was much more profound, and this became more evident in the second course, on Comparative Equality Law. In such a heterogeneous teaching environment, fundamental legal questions on the very nature of law and the foundational elements of legal systems cannot be taken for granted. In many of our classes, the roles of legislatures, governments, and courts, as well the different functions of legislation, case law, soft law, and administrative practice in different jurisdictions, were often the subject of fervent discussions in class. Questions around the meaning of justice, injustice, equality, and discrimination—both as legal norms and as philosophical concepts—were also brought to the fore on a regular basis in breakouts and plenaries. Along similar lines, the potential function of the law as a tool for societal change and how societal change should occur in modern legal systems were themes touched upon almost every week. In engaging with such questions, the underlying national, societal, cultural, and legal assumptions we and our students held were laid bare.

Given the breadth of the topics covered in the two syllabi and the heterogeneity of participants, we were keen to maintain a clear distinction between the personal views on what the law could or should be and the academic views on what the law is on any given issue. This is, of course, a challenging balance to achieve in any national classroom, let alone one in this digital global community of scholars and students with such a wide diversity of backgrounds and beliefs. Naturally, many of the issues covered in the teaching of equality law, and even

---

used to this type of student participation. Some of the students of that cohort were glad for the opportunity to openly discuss such controversial issues for the first time in a class environment, while others were a bit hesitant on how to assess this novel classroom experience, feeling both a bit intimidated and positively challenged.

more so of comparative equality law, are bound to challenge personal sensitivities and entrenched political or philosophical beliefs of some students. In the case of our two courses, we also had to be mindful of national sensitivities and experiential differences between the Global North and the Global South. An example of such a delicate issue that we had to navigate came about in one of the classes on equality and religion common to both our courses. Part of the lecture and of the subsequent discussion in breakouts and in the plenary was devoted to the analysis of a seminal judgment of the European Court of Human Rights in *Lautsi v. Italy* regarding the presence of crucifixes in the classrooms of state schools in Italy.<sup>40</sup> The discussion on whether the court had made the right decision in allowing the Italian state a margin of appreciation and finding no violation of the right to religious freedom was passionate and heated, with considerably different views. As one would expect, our students from the two participating Italian universities felt very strongly about this case and its implications on how their home state was portrayed. The plenary discussion on *Lautsi v. Italy* turned out to be one of the highlights of both the first and the second courses, with students proving that critical thinking can come hand in hand with mutual respect for the academic “other” and a caring and inclusive ethos.<sup>41</sup>

By the same token, teaching equality law against the sociopolitical backdrop of a pandemic that rendered global and local inequalities much more pronounced created its own challenges. In our first course, on COVID-19 and Global Inequalities, therefore, we had to strike a rather difficult balance when engaging with students in discussion that revealed the unequal impact of the pandemic as well as the inadequacies of national laws and policies in protecting equality rights of different groups. Although such discussions were bound to increase the topicality of the course and pique student interest, they also generated the danger of reaching the uneasy conclusion that equality law in itself is a broken system. The efficacy of the law as a tool for societal change was addressed in several of the seminars in both courses, with discussions as to the strengths and weaknesses of proactive and reactive legal as well as other measures. These concerns were very palpable, for example, in the discussions concerning equal pay and sexual harassment.

The precarious balance between showing the flaws in *a system of law* and ensuring that students do not lose faith in *the law as a system* of governing human affairs is, of course, endemic to all law teaching. As such, we remained vigilant when designing and delivering our second course, on Comparative Equality Law, and we continued to use the same mechanisms that helped us successfully walk this tightrope in the first course. It is fair to say, however, that with Comparative Equality Law being taught at a time of gradual return to normality, it was perhaps easier to communicate the message that equality law, with all its imperfections, is one of the great achievements of our legal civilization and has made a real

40. *Lautsi v. Italy*, 54. Eur. Ct. HR (2011), <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=001-104040&filename=001-104040.pdf>.

41. Sonia M. Suter, *Legal Education in a Pandemic: A Crisis and Online Teaching Reveal Who My Students Are*, 65 *St. Louis U. L. J.* 679 (2021).

difference in the lives of individuals and groups. The comparative dimension of the course was also a vehicle to look for inspiration in the progressive legal solutions adopted in some jurisdictions and use them as a paradigm of what the law can achieve.

Looking at the law not only as a set of rules but also from the point of view of legal practice was also a challenge and a goal for the two courses. Law teaching is about imparting knowledge on what the law is, but it is also about teaching students why and how lawyering is an inherent part of being a lawyer. With this in mind, the courses integrated two learning approaches: learning from doing, and learning from context.<sup>42</sup> Marjorie Shultz and Sheldon Zedeck have identified twenty-six successful lawyering factors, including analytical skills and reasoning, problem-solving and practical judgment.<sup>43</sup> Given the constraints under which the courses were offered, and especially the fact that most faculty members volunteered their time, touching upon all of these aspects of lawyering in any depth was naturally impossible. However, we did consciously incorporate many of these factors into our classes. The breakout session questions were

42. David B. Oppenheimer, *Using a Simulated Case File to Teach Civil Procedure: The Ninety-Percent Solution*, 65 J. LEGAL EDUC. 817, 837(2016). Oppenheimer invokes the Shultz/Zedeck factors in the courses he teaches as taken up in this article, many of which are also apparent in the two courses addressed here. Marjorie M. Shultz & Sheldon Zedeck, *Predicting Lawyer Effectiveness: Broadening the Basis for Law School Admission Decisions*, 36 L. & SOC. INQUIRY 620, 630 (2011).
43. The twenty-six factors identified by Shultz and Zedeck are: 1) Analysis and Reasoning: Uses analytical skills, logic, and reasoning to approach problems and to formulate conclusions and advice. 2) Creativity/Innovation: Thinks outside the box, develops innovative approaches and solutions. 3) Problem-solving: Effectively identifies problems and derives appropriate solutions. 4) Practical Judgment: Determines effective and realistic approaches to problems. 5) Providing Advice and Counsel and Building Relationships with Clients: Able to develop relationships with clients that address clients' needs. 6) Fact-finding: Able to identify relevant facts and issues in case. 7) Researching the Law: Utilizes appropriate sources and strategies to identify issues and derive solutions. 8) Speaking: Orally communicates issues in an articulate manner consistent with issue and audience being addressed. 9) Writing: Writes clearly, efficiently, and persuasively. 10) Listening: Accurately perceives what is being said both directly and subtly. 11) Influencing and Advocating: Convinces others of position and wins support. 12) Questioning and Interviewing: Obtains needed information from others to pursue issue/case. 13) Negotiation Skills: Resolves disputes to the satisfaction of all concerned. 14) Strategic Planning: Plans and strategizes to address present and future issues and goals. 15) Organizing and Managing (Own) Work: Generates well-organized methods and work products. 16) Organizing and Managing Others (Staff/Colleagues): Organizes and manages others' work to accomplish goals. 17) Evaluation, Development, and Mentoring: Manages, trains, and instructs others to realize their full potential. 18) Developing Relationships within the Legal Profession: Establishes quality relationships with others to work toward goals. 19) Networking and Business Development: Develops productive business relationships and helps meet the unit's financial goals. 20) Community Involvement and Service: Contributes legal skills to the community. 21) Integrity and Honesty: Has core values and beliefs; acts with integrity and honesty. 22) Stress Management: Effectively manages pressure or stress. 23) Passion and Engagement: Demonstrates interest in law for its own merits. 24) Diligence: Committed to and responsible in achieving goals and completing tasks. 25) Self-Development: Attends to and initiates self-development. 26) Able to See the World through the Eyes of Others: Understands positions, views, and goals of others. Shultz & Zedeck, *supra* note 42, at 630.

designed to activate students' analysis and reasoning, researching, creativity and problem-solving, fact-finding, and practical judgment. These factors were underscored by the multiplicity of student backgrounds in the course, which often led to the understanding that accepted assumptions in one legal system could be strongly contested in another. For those students volunteering to do so, speaking in plenaries meant that they had to utilize and hone their skills in legal argumentation through questioning the views of others and advocating their own position. On the other hand, those students who were engaged with the discussion but preferred not to make a contribution were still practicing critical listening. In these plenary discussions, faculty members with experience in legal practice were also instrumental in offering insights into community involvement and service.

Overall, integrity, honesty, passion, and engagement were the cornerstones of our strategy to deal with law-related pedagogical challenges and to ensure that our digital classroom would provide a fruitful and safe academic space for budding young lawyers. One of the most important ways in achieving that was by giving students the opportunity to “see the world through the eyes of others”<sup>44</sup> and to “understand [the] positions, views, and goals of others.”<sup>45</sup>

### 3. Dealing With Challenges: Student Feedback as a Measure of Success

For most students, this opportunity to engage with peers from different parts of the world and discuss topical legal questions was the most salient part of the two courses. The breakout rooms created a space to discover affinities and differences in laws and legal systems as well as in perceptions of fundamental concepts, such as justice and equality. This was seen by many of the students as an invaluable learning experience that transcended geographical borders and allowed a Brazilian law student to speak to a Swedish peer and an American law student to connect with peers from Hong Kong. As eloquently put by one of the students in the first course, on COVID-19 and Global Inequalities, “This is probably the most unique class” as “it was fascinating to learn from [students from all over the world].”

Indeed, student feedback for the first course, on COVID-19 and Global Inequalities,<sup>46</sup> illustrates how much students valued the opportunity to discuss legal as well as wider societal and cultural differences on topical issues, such as sexual harassment and systemic discrimination, with peers and teachers from other jurisdictions. Assumptions based on national premises suddenly were no longer self-evident truths, leading to a very interesting academic journey for

44. *Id.* at 630.

45. *Id.*

46. All students were offered an opportunity to share feedback informally throughout the semester. Indeed, many students gave feedback orally and individually to members of faculty and teaching assistants during the two courses. Also, at the end of the first course on COVID-19 and Global Inequalities, students were offered the opportunity to share feedback in writing with course conveners. Quotes from this feedback used here have been anonymized. The full list of quotes is available from the authors on request.

both students and teachers. This exposure to different legal cultures was one of the main themes that ran across the feedback we received.

The student feedback also touched upon many of the challenges and special features (common to both courses) discussed earlier:

This is a very special class [. . .] the timing of this class, being under the pandemic [. . .] the topic of this class, being specifically inequality [. . .] the format of this class, being held jointly with universities all around the world, and with students tuning in from all continents except Antarctica, leads to a very special learning experience.

Our desire to create an academic community and offer a way out from student isolation during the pandemic, as well as to create a safe environment for exchanging knowledge and debating ideas, as discussed above, can also be seen in the student feedback:

Class was really engaging and great. I really appreciated the opportunity to learn from students from all over the world and hear about their experiences. Some of the discussion actually influenced the research and papers I wrote on subsequently. I liked hearing from the different professors as well. The class was actually more communal than many of my other classes were. It seemed like all the students—or the majority of them—wanted to be there and wanted to make connections with other folks.

Our efforts to create internal coherence in each of the syllabi through a clear and standardized class structure, with distinct but interconnected components, was also noted in student feedback:

I loved the structure of the class. We would have periods of lecture and then breakout into small rooms for discussion before sharing with the larger group. I also really appreciated getting an itinerary of each class and the breakout questions beforehand. It allowed me to better prepare my contributions to the group. It was also really cool to be in a class with people, not only from universities around the world, but also studying different disciplines.

Finally, our key objective to support student agency and kindle their passion for the study of equality law and for its socially transformative potential was also reflected in the feedback:

To join this course and the discussions throughout this semester was an enriching and transforming opportunity. A new way of gathering academic and professional knowledge, but also to build cultural, social and life baggage. To have the opportunity to live with, even if virtually, so many nationalities, cultures and people with different perspectives helped me build a new vision of the world, wider and in a community, without leaving unattended the issues and particularities of each place. The course most certainly has helped me become a global citizen and with better endeavor in making a difference.

Overall, it is worth noting that both student cohorts were extremely positive for each of the two courses from the outset, as they were excited by the idea of participating in an interesting, challenging, and unique learning experience. Part of the excitement came from the fact that, apart from the peer-to-peer learning element of the courses, students were able to also observe their professors learning from one another in each class. This truly collaborative, “flat” learning structure helped us break down the fourth wall between teachers and students,<sup>47</sup> and it was the subject of some of the most common remarks students made in casual conversation with one another and with the members of faculty from their home institutions.

#### **IV. Conclusion: Teaching Without Borders—a Very Worthwhile Journey and a New Frontier for the Teaching of Law**

Many of us who teach law as an academic subject do so to see that spark in the eyes of our students; a spark of understanding the law, as well as its enormous transformative potential; a spark communicating the desire to help others and the passion to bring about societal change. Igniting that spark seemed destined to become ever more difficult during the pandemic, with the shift away from face-to-face teaching amid the new digital reality. This was especially evident when teaching equality law against the backdrop of growing inequalities laid bare by the impact of COVID-19 across the globe. Our two courses proved us correct in hoping that the decision to move forward based on the “a crisis is a terrible thing to waste” adage would result in creating something good.

The objective of this article is to share our experiences in teaching law digitally across geographic and institutional borders and to offer some insights into how this model may become a new paradigm for the teaching of (equality) law. The experience of the pandemic has precipitated the radical rethinking of how to teach law as an academic subject; hopefully our journey will provide some food for thought and, maybe, some inspiration for other colleagues and institutions to follow suit.

Apart from the detailed account of the challenges we faced and of the ways in which we responded, the overarching lesson that, we believe, came out loud and clear from the two courses is the reciprocal relationship between the agents involved in teaching and learning. In both our courses we, as teachers, communicated knowledge on comparative equality law and taught our students ways to understand and critically analyze the law. By the same token, we, as members of an academic community built on equal respect and concern for one another,<sup>48</sup> also learned from teaching these courses *how to teach* equality

47. The fourth wall is the imaginary conceptual boundary between actors and audiences or, generally, between those communicating information and those receiving it. For a discussion of how break the fourth wall in teaching, see Sarah Schneider Kavanagh et al., *Breaking the Fourth Wall: Reaching Beyond Observer/Performer Binaries in Studies of Teacher and Researcher Learning*, COGNITION AND INSTRUCTION 126 (2022).

48. The proposition that all persons have a right to equal concern and respect is borrowed from Ronald Dworkin. See, instead of several works, RONALD DWORKIN, SOVEREIGN VIRTUE (2002).



law without borders and how to pool our resources to open a window for our students onto the rest of the world.