

TEACHING THE EUROPEAN UNION LAW AND RELATED DISCIPLINES IN GEORGIA: THE APPLIED TEACHING METHODS AND ANTICIPATED LEARNING OUTCOMES

Abstract

The article overviews the innovative teaching methods used at the Institute for European Studies of Ivane Javakhishvili Tbilisi State University, as well as the targeted skills and learning outcomes, while teaching the European Union law and other related disciplines by the author (International Investment Law and European Union; Correlation of Public International Law and European Union Law; International Dispute Settlement in the European Union, and etc.). It is argued that the contemporary educational system shall not limit itself with traditional teaching approaches and it shall give due regard to the realities of the 21st century in order to equip its graduates with the necessary skills and knowledge. On the other hand, article also maintains that many contemporary teaching methods have in its cores the centuries-old traditions, by making references to the legacies of the greatest educators of all time. Author further reflects on her personal experiences and challenges in teaching the European Union law in Georgia, considering that Georgia is not a member state of the European Union yet. In this regard, the author shares her thoughts on finding balance between teaching the European Union law based on the classic legal textbooks and teaching it in the way, which would be useful for Georgian students to benefit from the acquired knowledge and skills in their future careers.

Key words: Innovative teaching methods, Learning Outcomes, EU Law, TSU European Studies Programs

Introduction

The 21st century is a remarkable century because it opens the doors to enormous opportunities when empowered with the adequate knowledge. However, the 21st century is also a difficult century to live due to extremely high levels of competition among professionals. Having said that, the key purpose of modern high education shall be preparation of the students for a competitive globalized world and assist them in becoming the internationally-competent workers. Indeed, the globalization is testing the quality of high educational institutions and applied educational strategies. Apart from living in the era of globalization, which causes the professionals to face competition from all over the world, another great challenge is development of artificial intelligence, which threatens certain jobs previously performed by humans as artificial intelligence claims that it can perform them much better and faster. Thus, the contemporary educational system shall not limit itself with traditional teaching approaches and shall give due regard to the realities of the 21st century in order to equip its graduates with the necessary skills and knowledge and in this way, ensure their successful careers and safe future.

Preparation of the highly qualified specialists is a great responsibility as it requires from the lecturer a high level of professional competence, practice-oriented and interactive approach, effective sharing of information, continuous evaluation of one's own performance, readiness to receive feedback and constant improvement and modernization of the applied teaching methodology. Great American education reformer John Dewey explained:

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"If we teach today's students as we taught yesterday's, we rob them of tomorrow." As follows, the modernization of the high educational programs shall be a non-stop process. This concern does not apply just to content of such programs, but also the approaches of teaching, as the applied methodology can be as important as the information transferred during the particular course. At the end of the day, the ultimate goal of education is training of the mind and development of the high-level consciousness and not merely memorizing the facts.

§1. Teaching the European Union Law and Related Disciplines in Georgia

This article will review the innovative teaching approaches used at the Institute for European Studies of Tbilisi State University after the Ivane Javakhishvili, as well as the respective targeted skills and the aimed learning outcomes. Such learning methods will be discussed in the light of personal experiences of an author, teaching the European Union Law and other disciplines (International Investment Law and European Union; Correlation of Public International Law and European Union Law; International Dispute Settlement in the European Union, and other courses), taught at the Master program level of the TSU Institute for European Studies. One must note that the European Union Law is a relatively novel course in Georgia and it is usually offered as an elective subject in Georgian universities. Twelve years ago, when the author first started teaching the European Union Law at Ivane Javakhishvili Tbilisi State University Law Faculty, the knowledge about the European Union among students was much more limited. Public awareness thereof is different nowadays, since the relationship between Georgia and the European Union has become quite strong and wide-ranging during the last decade, from trade relations to our partnership in diverse political, social, economic and legal areas. Considering also the intense legal harmonization process deriving from the EU-Georgian Association Agreement, needless to say, that currently the European Union has very important political and legal implications for Georgia. Besides, the modern European Union law has transformed into globally meaningful legal system, which nowadays heavily impacts on other legal systems. Such example of legal borrowing from the European Union law into Georgian law is a competition law. Another example of such legal transplant is the energy law as Georgia has recently approximated its national law with European Union energy law.

Teaching different aspects of European Union law and policy is extremely important for Georgian students due to the country's close relationship with this unique supranational organization, based on shared history and common values, such as the commitment to democracy, the rule of law, the respect for human rights and the traditions of tolerance and cosmopolitanism, that is a belief that everyone is entitled to equal respect and consideration, and that all human beings are the members of a single community. In this regard, one must note the words of the renowned Georgian writer Vaja Pshavela of 19th century: *"Some people think that true patriotism is against cosmopolitanism, but this is a mistake. Every true patriot is a cosmopolitan just as every sensible cosmopolitan is a patriot."* Indeed, our common values is a driving force to strengthen the relationship with the European Union, in a spirit of mutual respect and equal partnership. Therefore, explaining the core values of the European Union and debunking some false myths is a vital part of teaching the European Union legal module courses for increasing the students' interest and motivation to study the given disciplines.

One must note that the European Union legal system is an extremely complex subject with the multilevel decision-making and the law-making processes developing on several – supranational, international and national levels. It should be further added that the European Union law is more than just a legal system considering the European Union's political abilities and the willingness to act as a global actor. Hence, understanding the European Union law requires mastering to a certain degree the political sciences and economics to comprehend the international and business aspects of the European Union's mission. Here comes the importance of interdisciplinary programs offered at the Institute for European Studies which considers the European Union from different angles and prepares the highly-demanded specialists in Europe and in Georgia, equipped with the comprehensive knowledge thereof. Even if our Master program students come from different faculties with different educational backgrounds, the study of the European Union law could complement other courses they may have studied at economics, political science, humanities and other faculties, or could expand the knowledge of those having studied international law, international relations, etc. In order to systematically cover the different aspects of the European Union law and policy, one must use a mix of traditional and non-traditional teaching methods applied by top universities worldwide, based on academic needs and demands of internationalized labor market, which requires workers with broad education. Furthermore, there must be balance achieved between equipping students with the necessary professional knowledge and practical skills.

Taking into account the aforementioned, in the following sections the article will address the teaching methods used by the author across her European Union legal module courses in combination (so called “Blended” learning model) to achieve the above-mentioned aims.

§2. Electronic Learning

In the light of the foregoing, we live in the internationalized world and the dynamic era of changes, where nothing can be stable. This is especially true when it comes to teaching the European Union law and organizational specifics, which was subjected to multiple transformations since its establishment. Legal implications of Brexit are one of the few examples, taking place most recently, and becoming an integral part of the European Union Law courses’ syllabi in the universities worldwide. We have witnessed the entire process of Brexit, which seemed quite unthinkable in the beginning, and the use of electronic sources to research and follow the relevant events in live regime was quite important during teaching of the given course, even before the Brexit phenomenon would find place in the European Union Law textbooks. In this way, the realities of the 21st century have caused to revise today’s educational approaches and demonstrated a need to introduce the modern teaching methods, such as electronic learning (e-learning).

One must distinguish e-learning from distance learning, which became particularly pertinent during the COVID-19 pandemic. While these terms are sometimes used interchangeably, distance learning is more a technique of learning via various technical systems rather than independent teaching method; In fact, distance learning can be considered as one of the methods of e-learning, while e-learning does not necessarily entail the existence of a distance.² E-learning refers to the use of information and communications technology to support learning, encompassing a wide range of systems, from students researching through web-resources to accessing the course materials and recordings online.³ As a result, the obtained skills are undeniably valuable for their future professional activities. The Institute for European Studies has long traditions to encourage e-learning, including by having the pre-recorded lectures available online, enabling the students to listen to them later even if they miss the lecture, which overall allows the flexibility of a study process. This is particularly important for students who are working full-time. Another advantage of distance-learning and e-learning is that it is possible to reach a wider geographic area across the country of university and beyond. For instance, during COVID-19 pandemic at the Institute for European Studies some students attended online lectures from different European, Asian, African, Latin and North American countries. Furthermore, when discussing the practical application of e-learning method, the professors of the Institute for European Studies regularly update their syllabi to include the recommended electronic sources, suggested for preparation of the particular seminar topics, as well as for conducting research for the purposes of the individual presentations and assignments. The online research assignments are very important to prepare the future professionals for their careers, as they aim to develop the ability of students to conduct the effective investigation, to recognize the quality e-sources, to verify information from several sources in order to establish the correct facts, to discover interesting and innovative ideas, to find answers to the tricky research questions, and in this way to become knowledgeable in any topic of their interest. Notably, during the pandemic the lectures at Tbilisi State University have been held mostly online and in the opinion of an author of this article, neither the quality of lectures, nor the possibility to actively interact with the audience was affected herewith.

§3. Interactive Teaching Techniques; Problem-Based Learning Method

Another important strategy of effective teaching is so-called “learning by doing”, originally developed by American philosopher and educator John Dewey, implying that the students must actively interact with their environment in order to adapt and learn. This theory was later transformed into modern experimental teaching models that aim to embed learning within the real world contexts. As a result, nowadays many modern educational institutions worldwide rely on such methods in order to achieve the ultimate goal of the “lifelong

² EU TEMPUS Project Training the Trainers Handbook - INOTLES, 2016, p. 32, available at http://www.inotles.eu/sites/inotles/files/TEMPUS%20Handbook_0.pdf. See also Natia Lapiashvili, Implementing innovative teaching methods in European Union Law modules, published as a working paper in EU TEMPUS project Publication “Innovating Teaching and Learning of European Studies” (INOTLES) Working Paper Series, No.5, 2017 as well as in the *Georgian Journal for European Studies*, No. 2-3, 2016-2017, pp. 28-36, available at www.ies.tsu.edu.ge.

³ E-learning in Tertiary Education, OECD Policy Brief, December 2005, available at <https://www.oecd.org/education/ceri/35991871.pdf>.

learning”. On the other hand, it is argued in this article that such contemporary teaching methods have in its cores the centuries-old traditions, inherited from the greatest educators of all time. In this regard, the famous phrase of Chinese philosopher and teacher Confucius: “*I hear and I forget; I see and I remember; I do and I understand*” is still very much applicable today in the context of the effective education.

Professor-student and student-student interaction during the lectures and seminars is an important aspect of the high-level learning process and at the core of courses taught at the Institute for European Studies. The interactive method of teaching includes the group discussions about various topics, cooperative learning, debates, brainstorming, examination of the problematic issues, study of the landmark case-law, simulation games, case situation analysis, moderation, use of the visual and audio sources and similar activities. The mentioned activities are designed to enable the students to reach their maximum potential, to arouse deep interest in the field and to involve them actively in the teaching process. Further, the students’ initiatives, autonomy and self-reliance are encouraged, by forming their professional competences, development of analytical and creative thinking and advancement of their personal and interpersonal communication skills. Supporting students’ active participation in such activities, even when they do not have previous knowledge and/or experience in the underlying subjects, is the endorsed policy at the TSU Institute for European Studies, considering the interdisciplinary nature of its programs, which are open to students with various backgrounds. The emphasis is put on gaining of the deep understanding and logical and analytical thinking abilities, as opposed to mere memorization, as well as on close collaboration between professors and students, which creates the friendly environment and assists the long-term learning results.

As already pointed out, the interactive teaching method involves two-way communication – whether it is between the professors and students or between the students, for instance, working collectively on the joint assignments or answering questions of each other during the individual presentations. All these techniques serve the ultimate purpose of development of analytical and critical thinking skills, as overall, “*learning without thinking is useless and thinking without learning is dangerous*,” as stated by Confucius. Here comes the significance of Problem-Based Learning (PBL) method, which aims to achieve all these goals at once – to transform the theoretical knowledge into practical professional abilities and to develop the logical reasoning at the same time. The earliest form of PBL method was developed in 1969 by Howard Barrows and colleagues in the School of Medicine at McMaster University in Canada, from where it has spread to the secondary and high educational institutions worldwide. PBL as an interactive, cooperative and case-based learning activity is designed to lead to the “deep learning” outcomes as the learners themselves (and not the professors) identify the learning objectives and learning goals, thus they reflect on the success and shortcomings of their own learning processes, with such approach in the long term is believed to assist them in becoming the independent learners.⁴ As opposed to the passive learning, where the student is seen as an object of educational activity, which often takes form of lecture-monologues and strict duty to prepare the assigned materials, in case of PBL the student becomes a subject of the learning process, by entering into discussions with the professor, moderator and other students, and performing various research, creative and problematic tasks individually, in pairs and/or in groups. Indeed, in order the teaching to be student-centered, the voice of the student must be heard and the power must be shifted from the lecturer to the students.⁵ During the European Union legal module courses in question, on the one hand, the students are supposed to read the academic literature individually with the aim to identify the real-life problems and to conduct analysis of the relevant legal framework, policy and case law. On the other hand, they are also expected to initiate the collective discussions based on their findings and to jointly solve the open-ended problems. Cooperative learning, a student-centered approach and the sense of being a leader in the process, rather than being viewed as a subordinate to professor, indeed increases the motivation and productivity of learning.

§4. Simulations

Having participated in numerous national and international Moot Court competitions (simulated court or arbitration proceedings, also known as Mock Court) as a student and later as a coach, the author of this article considers simulations to be one of the most effective way of learning and acquisition of practical skills. While

⁴ EU TEMPUS Project Training the Trainers Handbook - INOTLES, 2016, pp. 6-7, available at http://www.inotles.eu/sites/inotles/files/TEMPUS%20Handbook_0.pdf.

⁵ Ian Scott, The Learning Outcome in Higher Education: Time to think again? Worcester Journal of Learning and Teaching, Issue 5, 2011, p. 5.

teaching the European Union Law and other related fields, typically the students are asked to present their written and oral arguments with respect to the realistic legal problems, often based on the judgements of the European Court of Justice, and are also asked to predict the outcome of the dispute based on the covered course topics. The students have to present each side, the claimant and the respondent, where they argue with each other in order to prove their position pursuant to different legal sources, before the panel of judges, who are also played by other group of students, who are in charge of rendering of the decision. Apart from this exercise being quite entertaining, the education through Moot Courts is characterized by a unique balance of theory and practice, and is indeed the perfect tool to achieve the aim of life-long learning. As a result of simulations, students gain deep understanding of complex legal issues and develop a wide range of skills. Interestingly, some students with no previous background in law have mentioned to the author of this article, that they have developed strong interest and passion for legal field exactly due to participation in the Moot Courts.

5.5. Learning Outcomes and Assessment Criteria

Last, but not the least, the described teaching methods are designed to achieve specific learning outcomes, that is what the student should know or what practical skills shall he/she acquire after completing the particular course. As noted by famous Georgian writer and educator Sulkhan-Saba Orbeliani in the 17th century: *"The words must be put into action and the action must be expressed in words."* Accordingly, the theoretical and practical aspects of teaching are interrelated as the learning shall be result-oriented and focused on the pragmatic knowledge obtained upon completion of the studies. The study modules must give due regard to employability skills, as successful placing of students in the labor market can be as important outcome for an institution as any other outcomes listed in the curriculums.⁶ For this reason, working on the recent case-law, preparation of the legal arguments during simulations, legal research and writing are vital part of teaching of the European Union Law and other related courses at the Institute for European Studies, which tasks develop the practical skills required for every legal practitioner or anybody working in law-related field.

Generally speaking, the learning outcomes refer to the personal changes or benefits that follow learning, measured in terms of abilities or achievements.⁷ Learning outcomes can be classified into cognitive and non-cognitive learning results, with the former referring to the domain-specific knowledge and to the development of intellectual abilities and problem-solving skills, while the non-cognitive outcomes refer to the changes in beliefs or the development of certain values.⁸ Considering the importance of emotional or values-based education, one must note the words of ancient Greek philosopher and educator Aristotle: *"Educating the mind without educating the heart is no education at all."* In this regard, apart from providing the students with the profound and systematic knowledge of the European Union law and organizational structure, at the TSU Institute for the European Studies considerable time is devoted to outlining the fundamental values of the European Union, as noted above.

Furthermore, other key learning outcomes of teaching the European Union Law course are the following: students' understanding of the main areas of the European Union law, including, the practical aspects of its constitutional principles, as well as the key dimensions of the internal market and four freedoms; comprehension of the nature of the European Union legal system as an autonomous legal order; awareness of the history and evolution of European Union law vis-à-vis public international law; apprehension of the human rights protection mechanisms in the European Union legal system; familiarity with the European Union competences, its institutions and the practical problems related to 'checks and balances' principle in the European Union governance; ability to compare and express opinions on the relationship between the public international law and domestic law vis-à-vis relationship between European Union law and national laws of the Member States; knowledge of the key dimensions related to the effective enforcement of the European Union law and the available legal remedies; and other complex legal issues.

⁶ Heather Fry, Steve Ketteridge, Stephanie Marshall, *A Handbook for Teaching and Learning in Higher Education, Enhancing Academic Practice*, Routledge publishing, third edition, 2009, p. 100.

⁷ Deborah Nusche, *Assessment of Learning Outcomes in Higher Education: A Comparative Review of Selected Practices* - OECD Education Working Paper No. 15, 2008, p. 7, available at <https://www.oecd.org/australia/40256023.pdf>.

⁸ Ibid, p. 9, 10, citing also Richard J. Shavelson and Leta Huang, *Responding Responsibly to the Frenzy to Assess Learning in Higher Education*, Change, 2003, Vol.35, No.1, p. 13; Peter T. Ewell, *Applying Learning Outcomes Concepts to Higher Education: An Overview*, 2005, prepared for the University Grants Committee, available at http://www.hku.hk/caut/seminar/download/OBA_1st_report.pdf.

The advanced educational system shall integrate diverse components of teaching and assessment, tuned to support the high-level learning.⁹ Besides, it is important to link the learning outcomes with the assessment criteria and practical skills for achieving the coherence and efficiency in teaching strategy.¹⁰ In order to attain the above-mentioned learning outcomes, during the courses in question the students are expected to go through the suggested academic materials, relevant legal framework and case-law with a view of identifying the relevant problems and challenges. Further, the students must perform individual and group assignments, participate in discussions/debates, brainstorming, analysis of problematic issues, case studies and undertake other educational activities. The final assessment will be based on different components, such as participation in class activities and simulations, individual contributions during seminars, delivery of the presentations and the written examination(s). For the purposes of assessment of each of the listed components, the students are expected to demonstrate the knowledge gained during the course as well as their abilities to apply it practically to the projected situations. In particular, they must be able to provide with the correct and exhaustive analysis of specific legal problems, identify all the relevant issues and facts, use the legal terminology correctly, offer clear and convincing argumentation in support of their points made, in a logical, coherent and structured manner. As for the gained practical skills, the students shall illustrate the analytical capabilities at solving of the multifaceted legal issues while relying on the relevant legal sources. Students shall also be able to apply the comparative legal research skills based on the European Union legal framework, as well as its Member States' domestic laws and public international law. Further, the students shall demonstrate the ability to contextualize the contemporary operation of the European Union law and the internal market, taking into consideration the historical context, as well as to discuss critically the key arguments of advanced judicial reasoning and scientific scholarship. To conclude, the purpose of applying the described teaching methods and assessment criteria is to achieve such learning outcomes which will lead to students' deep understanding of the relevant legal concepts and development of comparative, analytical and critical thinking skills, which will enable them to perform practical legal tasks.

Conclusions

In this article the author aimed to reflect on her experiences and challenges of teaching the European Union Law and related disciplines in Georgia, by describing the applied teaching techniques and the intended learning outcomes. Considering that Georgia is not a member state of the European Union yet, it must be noted that there needs to be found certain balance between teaching European Union Law based on classic legal textbooks used in the European universities, and teaching it in the context which would benefit the Georgian students in their future careers. In fact, upon graduation, the students of the TSU Institute for European Studies usually play a significant role in raising awareness about the European Union, its regulations, institutions and advantages for its citizens, as many of them are later employed at organizations or state organs involved in the European Union law and policy matters. It can be concluded that one of the objectives of the Institute for European Studies is to foster understanding about the European aspirations of Georgian people, as well as to assist the positive changes in the country, as any high educational institution is at the same time a social institution through which the social reforms can take place. Thus, high-quality education shall develop not only personal but also social qualities and the high educational institutions must empower their graduates to set ambitious goals and act in the direction of their realization. As follows, in the modern educational institutions the teaching methods shall be designed to ensure that the students become the problem solvers, decision makers, and generally proactive citizens, equipped with the necessary skills to navigate challenges and find solutions in difficult situations. Hence, these days the education can no longer be based on merely teaching from the prescribed syllabus materials but the innovative and creative ideas must be valued more than retention of information from the textbooks. In contrast, a significant role of the modern universities is to advocate retention of practical adaptive skills which are remembered after passing of the exams and which are needed to meet the demands of one's professional environment. The above described modern teaching methods serve exactly this purpose of bridging the gap between learning and doing, opening the mind to diverse possibilities and adapting to the realities of the rapidly changing world we live in.

⁹ John Biggs, *Aligning Teaching and Assessing to Course Objectives*, Teaching and Learning in Higher Education: New Trends and Innovations, University of Aveiro, 2003, p.1.

¹⁰ David Gosling, Jenny Moon, *How to Use Learning Outcomes and Assessment Criteria*, SEEC Office, third edition, 2002, p. 11.