

PEER LEARNING AND PEER FEEDBACK: HELPING STUDENTS OF LAW TO DEFINE AND COMPARE LEGAL INSTITUTIONS AND SOLVE LEGAL PROBLEMS

Igor Hron, Comenius University in Bratislava

The teaching-learning challenge

'History of Private Law' is a compulsory course within the Master's degree programme offered by the Faculty of Law at Comenius University in Bratislava. While the Slovak- and English-language programmes have recently been redesigned in accordance with recent trends in education, this course lagged behind. Students tended to perceive the course as a burden with little added value where the teacher authoritatively conveyed 'hard facts' to them. This is no surprise, as the course had been mostly taught in a teaching-centred way.

Meanwhile, the course has been completely redesigned for the 2021/2022 academic year; the learning outcomes have been formulated anew and peer learning and peer assessment activities have been introduced with the aim of improving students' competences through active learning that builds upon their diverse knowledge. This chapter evaluates the results of the new design, while answering three pertinent questions: (1) Did students engage in peer learning? (2) How did students perceive their peer learning experience? (3) Did peer assessment help to foster student learning?

Pedagogical methods

The redesigning of the History of Private Law course is rooted in the concepts of peer learning and peer feedback. While there is no universal definition of peer learning in the literature, it is usually understood as the utilisation of teaching and learning techniques, which encourage students to learn with and from each other while the teacher does not immediately intervene in the interaction among them (Boud et al. 1999). The students are placed at the centre of attention, as the acquisition of knowledge and skills is done through active help and support from their peers (Topping 2005). It has been found that by shifting roles and actively engaging students in the learning process, peer learning enhances the sharing of knowledge, ideas and experiences among students (Boud 2001). Moreover, it has been observed that in this setting, cooperation prevails over competition and students can think beyond their own perspectives and cultural contexts, thus respecting each other's diverse cultural backgrounds (Economides 2008).

Apart from these benefits, it has been reported that peer learning strategies enhance social interaction, collaboration (Stigmar 2016), as well as overall academic performance in the course (Crouch and Mazur 2001). The implementation of peer learning activities has additionally shown to further the development of transferable skills (McGarr and Clifford 2013). These are increasingly important in the context of legal education in today's inter-connected world, where providing efficient and reliable legal advice has become paramount and universities are expected to

produce practice-ready graduates. In light of these fundamental global changes, the approach to legal education has been changing significantly. Modern legal courses place more emphasis on doing rather than thinking, represented by a focus on legal clinics and the furtherment of transferrable skills in beginner lawyers (Mavrova Heinrich 2015; Sullivan 2018). Therefore, the benefits stemming from peer learning are very pertinent to legal education (Keynes and Burns 2008). With these reported outcomes of peer learning in mind, new learning activities have been incorporated into the History of Private Law course.

The course, the students, and the lecturer

History of Private Law has been taught by three co-teachers; myself included. The course has been integrated into the first semester of the English-language Master's Degree in Law that is primarily marketed to international students. Upon completion of the redesigned course, students were expected to be able to define key legal institutions such as property, contract and tort, to compare legal institutions in various legal systems and to critically examine materials and legal sources to solve a legal problem. The class sessions focused on developing students' research and writing skills, argumentation, problem solving and presentation skills.

In 2021/2022, only three students enrolled in the degree programme, which was a very low number presumably also caused by the ongoing pandemic at the time. Nevertheless, the faculty decided to open the programme and these three international students from the Ukraine, Georgia and the Russian Federation enrolled in the course. All had already obtained a Bachelor's degree in law in their home countries. The low number of students was relevant primarily to the in-class activities, as they were not split into groups, but conducted the activities together.

Each class of the course started with brainstorming about the central topics of the class, such as about the notion of property and differences among jurisdictions in the students' countries of origin. Beyond these, the classes were enriched by using case studies, mind maps and comparison exercises. The three classes that I taught also differed in their composition, which is a relevant factor for the findings. The first session was devoted to the adoption and assimilation of Roman law in Western Europe and incorporated the lowest number of peer learning activities, comprised of brainstorming, approximately a 45-minutes interactive lecture and a cooperative activity with a debriefing. The second session focused on property law and was designed in a similar fashion; however, the lecture part was significantly reduced to approximately 20 minutes and it included two major peer learning activities. The last session was conducted without any lecture and consisted only of peer learning activities; ranging from ice-breaker discussions to more complex activities such as identifying essential elements of torts throughout history. In this regard, Miro—a digital collaborative whiteboard platform that enables participants to create sticky notes, mind maps, or road maps; thereby better facilitating the creation of ideas within the group—provided

a flexible virtual space for the hosting of these activities, making the outcomes of students' work available for future use and feedback.

Another peer learning activity revolved around the semester-long task of each student writing a paper on a selected historical area of private law, extending the interactive environment beyond the time spend in class. Students produced three drafts of the paper before submitting the final version. The peer learning element consisted of randomly assigning the drafts among students to provide feedback to their peers with respect to the structure, sources and the logical cohesion of arguments.

The overall assessment of the students consisted of several parts: 10% was awarded for weekly revision tests, 20% for in-class activities, 40% for the written paper including peer feedback, 30% for the final oral exam, which was an open-book discussion. In total, the activities directly amounted to 60% of the final grade and indirectly contributed to students' preparedness for the final oral exam.

Collected sources of data and methods

For the purpose of this research, the student' perspective has been the main source of information. Student feedback was gathered at the end of the semester in the form of anonymous evaluation forms with open-ended questions focusing on the in-class activities that were performed during the semester. The questionnaire had been filled out after the students obtained their marks, and it could not have influenced their assessments, that is, the students did not feel a pressure to give positive feedback in order to receive a higher mark and *vice versa*.

Another valuable source of information was a semi-structured online focus group interview, which took place approximately three months after the course ended. In the interview, students were asked to reflect on the benefits and pitfalls when studying the history of private law and to elaborate on the differences as compared to their learning experiences in other courses such as the follow-up Comparative Private Law course that was set up in an identical manner to the History of Private Law course.

Data from students was augmented by means of three other sources. The first was their performance in the final exam. The second was the reflective diary I kept after each of the three class sessions that I taught and further supplemented with co-teacher observations from the sessions that I facilitated. The third source consisted of written and oral feedback provided by the colleague who visited the second session that I taught to observe my teaching and its impact on student learning.

The collected data has been analysed using qualitative research methods in order to arrive at general thematic patterns, primarily by comparing each dataset (Creswell 2014).

Findings

Peer learning

The classroom observation of the second session confirmed that students were actively engaged in peer learning tasks. The observer noted that in cases where students departed from the concepts covered, or answered incorrectly, I encouraged them to critically assess each other's views and find the correct answer. The observer also pointed out that the class activities always attained their aims when students were active and they visibly enjoyed the class, which she could observe in this particular course session. The observer assessed the level of student engagement during three peer learning exercises as 'high' and said that the students had interacted with each other with ease, even though they had primarily turned to the teacher during the discussions. Nevertheless, students appeared to feel comfortable while engaged in peer learning. The observer praised my ability to facilitate the discussion, encourage students to exchange information about how certain legal institutions are regulated within their jurisdictions without intervening in their discussions, but instead preparing a debriefing to drive to conclusions.

My own observations were similar. Students embraced peer learning activities especially in the classroom and engaged in lively exchanges. Often, they became so caught up in a discussion that they acceded the time I originally planned for the activity. They participated without reservation. However, the novelty of interactivity was very visible during the third session, which included only peer learning activities; students looked very exhausted by the end of the session. As for peer learning outside the classroom, students' attitudes toward giving and receiving feedback changed. The quality of feedback improved throughout the semester. As they became more comfortable with peer assessment by repeating the task of commenting on each other's drafts, their feedback progressively turned out to be more extensive and substantive.

Student perceptions of peer learning

As for the students' perceptions of peer learning, students said they had enjoyed peer learning because there were ample opportunities for all students to be engaged. Students were looking forward to the classes as they required attention and responsibility. They noted that as a result of being engaged in peer learning, there was less pressure from teachers. They felt confident and comfortable to ask questions during, but also after class. Digital tools, including Miro, demonstrated to students that studying law does not have to be boring: 'I didn't think history of law would be so much fun to learn', one student commented. Miro could be used also for self-study and students confirmed its continued use after the course ended.

Students recognised that course teachers cared about them and their learning and perceived this as an important driver of their motivation to engage in study. They valued our feedback, which included areas for future improvement. Students evaluated other courses to be rather disorganised when compared to this course. Students, however, expressed a preference for peer learning

activities to always be combined with a lecture as they found being solely engaged in activities too tiring. Students preferred the arrangement where a short lecture introduces the concepts and peer learning activities follow.

Students moreover appreciated that in this course, a lot of attention was paid to student work and feedback; written assignments received three rounds of feedback and in the end the students felt they had been very productive; they deemed it one of the most productive courses in that semester. Teachers initially tried to assist students with peer feedback in the first round to provide students with an example of good practice. Afterwards, the students provided their feedback independently. In other courses, teachers did not seem to be very involved in the outcome of student learning. Having a rather uncommon 1:1 teacher to student ratio was most advantageous in achieving this.

The students' view of peer assessment was less favourable initially, but they came to embrace the idea as the benefits became apparent. One student noted that feedback may be seen as an insult in other cultures: she specifically pointed at the example of Georgia, her home country. Nevertheless, she considered peer feedback as 'half of the work, [as] sometimes the author is unable to identify and change the flaws'. All in all, students believed that peer interaction and peer feedback helped them to finalise the paper, which they viewed as the most difficult and comprehensive course assignment.

Student learning

Peer activities facilitated student learning as noted by students. In the focus group interview, students claimed these activities had helped them to concentrate on the content and remember more because they were learning by being engaged in activities rather than from listening to the lecturer. They felt that the activities performed during classes prepared them for their weekly revision tests and lowered their revision time for the final exam. Digital platforms such as Miro helped students in this regard, as students were able to access submitted peer learning assignments at any time. This was also reflected in the results of the final oral exam, where the students scored 28, 28 and 29 points out of 30.

This corresponds to my own observations about the overall achievement of the course outcomes. As I noted in my reflective diary, students had shown progressive improvement during the three sessions that I facilitated. During the first session, the students were active at the beginning of the class and interpreted the texts together. In the second session, the introductory peer learning part exceeded the time, as the discussion was very intense and the students came up with many ideas that were worthy of discussion. During the last activity – creating a mind map – engaged cooperation among the students was evident. In the third session, peer learning was noticeable throughout the whole session. The same also applied to the written papers in terms of the quality of the feedback that was provided. While in the beginning the students provided, more

or less positive, general feedback, throughout the semester it gradually evolved to be more constructive and expressed several points with regard to comparative analyses such as: ‘elaborate more on Ukrainian regulation’, ‘there should be controversies about age, same-sex marriage, civil marriages and partnerships’, or feedback that facilitated good-quality comparisons of Justinian codification and current Russian law.

I observed that in all three sessions students broadened their perspectives: they could define the legal concepts and their nuances across different jurisdictions. This objective was attained as the students gradually became aware of the essential components of key legal concepts and they were able to better reflect on their country’s jurisdiction. For instance, when dealing with the concepts of civil liability, one student mentioned key characteristics of the legal framework in Georgia and another student added her understanding of these concepts within the Ukrainian legal system. The broadening of perspective was visible also in the written papers, as initially the students tended only to describe a foreign legal system, or a specific institution, whereas in the final drafts, they were purposefully examining the similarities and differences, either in each chapter separately, or in a chapter at the very end of the paper.

Additionally, they were able to arrive at their own conclusions when evaluating the potential advantages and disadvantages of legal concepts, as for example in the third session, where they extrapolated the provided sources of law and autonomously identified the essential elements of the legal institutions under discussion.

Replicability in a different context

As shown by Rétiová (2018), peer learning and feedback methods may be well adopted in other disciplines, including courses that had previously faced low student participation and disengagement with course content. It seems especially effective in courses rich in facts where students are to learn complex concepts. Scaffolding students in learning to provide peer feedback may, however, prove difficult in larger classes, where the teacher may find it initially overwhelming to read and comment on student feedback until students can put the principles of effective feedback into practice. This may be overcome by allocating a separate time during the classes to present the best practices to all students at the same time.

This pitfall may also emerge with regards to facilitating a meaningful discussion and actively engaging the whole class. Keyes and Burns (2008) identified six or less as the optimal number of students in a group, which was the case in this course. However, when the number of participating students increases in the future, the most affected part could prove to be the initial ice-breaker discussion where time constraints will not allow everyone to express their views. In that scenario, students may be divided into groups of six or less.

Peer learning via group work may work as well in other settings when it is employed to enhance student understanding. For example, Awuah (2018), who similarly to this course assigned stu-

dents to prepare mind maps, documented that active learning increased class participation and the quality of student learning and helped students to overcome their fear of communicating in a foreign language.

Conclusions

In summary, the findings revealed that students through enhanced engagement via peer learning attained the course learning outcomes: they were able to define the legal institutions as they developed through history and compare these across different jurisdictions, most importantly with their native jurisdictions. Students demonstrated that they could solve legal problems based on an analysis of materials and legal sources. Additionally, peer learning activities not only facilitated cooperation among students and gradually increased their in-class activity but also improved student performance.

Several conclusions can be drawn in terms of future iterations of the course. Firstly, the activities introduced during the classes may be used again in the future, with some adjustments. The ice-breaker discussions would possibly require a less strict time-frame, as it was sometimes upsetting to cut-off a productive discussion. Other elements worthy of future use are digital tools such as the Miro board. While they were utilised in the online format, their positive influence on learning; primarily the fact that students are able to review the activities at any time, makes them potentially useful also in a face-to-face setting. Furthermore, the class in which the students felt most comfortable was a class that was devoted to property law, where several activities took place following a short interactive lecture. Students originating from a background where frontal lecturing is predominant may feel uncomfortable with radical changes to this approach. They may feel lost if all the 'conventional forms' of learning are removed.

Finally, the innovation may potentially cause challenges within the scope of the entire Master's Degree programme, as the student expectations invoked by this course may not be satisfactorily met in other courses, which are being taught in a more traditional way of providing legal education. Therefore, increased cooperation with other teachers and departments at the Faculty of Law may be required to coordinate the courses across the degree programme to meet not only the course learning outcomes, but also the programme outcomes and most importantly to advocate for and promote student-centred learning.

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Summary

This chapter describes the incorporation of peer learning and peer feedback into the 'History of Private Law' course in order to address the long-lasting negative attitude of students towards the course and to help them attain the course learning outcomes. Peer learning and peer feedback activities implemented in and outside the classroom included ice-breaker discussions, cooperative mind maps, group work in Miro and a semester-long task of writing an academic paper to the drafts of which students provided feedback. Students and teachers alike concluded that peer learning activities and peer feedback helped students to improve their learning experience, including their cooperation with other students in legal matters, leaving them with a widened perspective and a comparative understanding of legal institutions.

Keywords

legal history, (peer) assessment



Igor Hron is a PhD candidate at the Department of Legal History and Comparative Law, Faculty of Law, Comenius University in Bratislava. His research focuses on comparative aspects of intellectual property and its historical roots. He has been involved in teaching courses such as History of Private Law, Private Comparative Law, and Legal Skills. Additionally, he coaches international moot court teams representing the Faculty abroad.
igor.hron@flaw.uniba.sk