



Investigation on Civil Mediation Teaching Method Reform in Civil Procedure Law Course

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Abstract

The harmonious functions of civil mediation play important role in resolving various kinds of disputes. However, mediators' quality has become the bottleneck of civil mediation. The reform of civil mediation teaching method has great significance in cultivating professional mediators. This paper fully investigates and studies the teaching method of civil mediation from existing problems of the civil mediation teaching process.

Key words: Mediation; Teaching method; Chinese civil mediation

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As one of the most important means in dispute resolving, civil mediation plays irreplaceable role in the process of dissolving disputes and conflicts. With the increase of social contradictions in Chinese transitional period and proposal of the new task of building a harmonious socialist society in the new era, the request for paying more attention to mediation has become stronger. China is in great demand for professional mediators at present. In order to guarantee the dispute resolving function of civil mediation could fully work, it is very necessary to improve the quality of mediators. Nevertheless, the profession quality level of Chinese mediators is relatively low which often weakened the function and the successful rate of civil mediation and also the credibility and

authority. The reform of civil mediation teaching method is an important way to improve mediators' personal quality.

As an important part of university civil procedure law course, civil mediation teaching should aim at students that are about to go out of the university and devote themselves to the front line of legal work. This course takes the responsibility of teaching students theory and skills in dispute resolving. But, there are a lot of problems in the teaching process of university civil mediation teaching. With the purpose of cultivating professional talents for practice, we should reform current university teaching method by combining with the characteristics of civil mediation.

1. CURRENT PROBLEMS IN CIVIL MEDIATION TEACHING METHOD

1.1 Lag of Civil Mediation Theory

As the old saying says "You can't make an omelet without breaking eggs", civil mediation teaching is also the same. Civil mediation theory is the base of mediation teaching. If the theoretical base is not complete, it is impossible to improve teaching quality even if teachers try their best. Currently, studies of Chinese civil mediation theory are quite bland. We can even say that Chinese civil mediation never get any systematic theorization (or conceptualization). Most theories suggested by scholars are scattered and their content and system is old-fashioned which seriously influenced the effect of teaching and restricted the expansion of students' knowledge.

1.2 University Teaching Is Separated from the Requirement of Practice

From the current talent requirement situation, we can see that presently, graduated students are difficult to suit themselves in the society. The present Chinese education system does not teach students' comprehensive

ability and sense of mission to the whole society. It only pursues standardization and high examination scores. The standardized talent education mode sacrifices student's diversified development of their personality. The examination score focused mode can only make students have low ability in practice and high scores in learning. The talent cultivating mode of Chinese university law schools works behind closed doors which is very hard to meet the requirement of the nation and society.

1.3 Separation of Teaching and Personality Cultivation

Apart from certain professional quality, the civil mediation work does require mediators be a fair and decent person who cannot obey his or her profession ethics, for example, be biased towards one side, insult the mediation party, ask for or accept money or other improper benefit, reveal the mediation party's personal privacy or business secret, and so on. Therefore, in civil mediation teaching, teachers should guide students be a magnanimous, honest, kind-hearted, and righteous person while teaching them knowledge and skills. However, in the current Chinese universities' civil mediation teaching, they have not connected teaching with personality cultivation yet.

1.4 Separation of Theory and Practice

Mediation is an art which has strong characteristic of practicality and applicability and has high requirement for mediators' experience and skills. The teaching method of repeating what the book says cannot only arouse students' interest in studying but also cannot provide any benefit for improving students' mediation skills. At present, Chinese university law school courses are arranged improper. The "classroom focused and practice despised" phenomenon is very common. Universities lack of input of practice teaching construction which makes classroom teaching usually takes practice teaching hours. Teachers open insufficient practice teaching for students which leads to practice teaching content disorder and random plus shortage of students time and effort in practice learning and finally effect the opening of practice courses.

1.5 Separation of Lecture-teaching and Other Teaching Methods

At present, the main method of university civil mediation teaching is the traditional systematic lecture teaching and other teaching methods are neglected.

The systematic lecture teaching method is also called theoretical lecture teaching method which means teachers pass on knowledge, explain definitions, clarify rules and regulations and give ideological education to students by oral language. It is the most widely used teaching method. During the process of teaching, systematic lecture teaching method usually turns into "didactic mode", "indoctrination", "injection", and "speech mode" teaching methods. Teachers have become the centre of teaching, speaker of theoretical knowledge, and pursuer

of students' study while the task of students is accepting, understanding, and remembering every knowledge teachers told. Combined with characteristics of civil mediation law, this teaching method is not fit for the teaching of civil mediation law course which has great characteristics of practicality. There is little effective interaction between students and teacher, the classroom atmosphere is depressing, and is not good for cultivating students study ability and the ability to use their knowledge.

1.6 Separation of Multimedia Teaching Method and Traditional Method

In university law school teaching, teachers usually depend more on multimedia teaching method and ignore the importance of blackboard-writing and body language. Teachers become the projectionist and simple announcer of the courseware. As the main body of teaching exhibition, courseware just indiscriminately copy the content of the book, lack of regular maintenance and update, simply and crudely made, all in the same key, and seriously affect the teaching effect. In the classroom, teachers just project, read one by one, and do not care whether students understand. Students listen passively but their needs and requirements are ignored.

2. CIVIL MEDIATION TEACHING METHOD REFORM

Reform 1: to combine university cultivation with real requirement of the society.

The examination score based evaluation method is the "natural enemy" of all teaching methods, because, in the situation that with inherent shortage every teaching method reform will be limited. Therefore, universities should connect examination score evaluation with comprehensive ability evaluation when exam students and change from remembering knowledge into understanding and applying knowledge. In addition, university education should aim at profession cultivation, design relatively comprehensive and systematic courses, and related practice teaching, help students go into the society, and connected with the real need and requirement of the society. Teachers should also follow the trend of the time, update their knowledge in both depth and width, introduce frontier knowledge and skills of civil mediation, and become the bridge between students and the society.

Reform 2: to combine professional skills with professional ethics.

There is nothing more precious than having honest and kind personality for mediators in the civil mediation work. Professional skills can be obtained by continuously study, however, if a person have low ethics standard, then he is hopeless. Teaching should return its position as one of the most important causes of human being. Teachers should cultivate students have personality that suits the

society while teaching them social ability to survive. When teaching the future professional mediators, the most important is to cultivate their values and emotions, enthusiasm for civil mediation work, responsibility for the society, and the sense of identity of the world.

Reform 3: to connect theory and practice teaching together.

Civil mediation is a skill with strong characteristics of practicality and operability. Therefore, in the process of civil mediation teaching, we should insist combining theory with practice, pay equal attention to both theoretical knowledge and practical ability, understand practice by learning theoretical knowledge, study the main point and skills of civil mediation during practice, get solid professional background, and become a qualified civil mediation professional. We should strengthen practice teaching theory research by aiming at the situation that practice teaching lacks systematicness and pertinence. Focusing on resolving problems such as difficulty in opening practice teaching, we should increase input of funds and energy to practice teaching, provide more opportunities for students to visit mediation room, and audit the whole process of mediation. By audit the whole process of mediation, students can have their direct feeling about the practice of civil mediation, and improve their comprehensive ability by strengthening themselves accordingly.

Reform 4: to combine multiple teaching methods together.

According to the requirement of educating professional, well trained, creative, and flexible mediation professionals, in the practical civil mediation teaching, we should change the traditional "cramming system" and adopt multiple, variable, and flexible ways of teaching. Based on lecture teaching, open various ways of teaching methods and put these methods into the whole process of teaching.

Lecture-teaching is useful for giving knowledge to students by teacher-centered method; heuristic teaching arouse students initiative and creativity, respect students' individual development, and transfer students from traditional learning to innovate studying; participatory teaching bases on discussion and argument and other forms, encourage students get involved in classroom teaching positively, and improve students' study enthusiasm; case teaching methodology inspires students raise questions, analyze questions, and give out resolutions by describing classical cases and detailed scenes, and therefore, improve students' ability in case resolving. This method is student centered and very good for forming interaction between teachers and students. It is also very helpful in activating classroom atmosphere, and make students participate actively and initiatively; the situational teaching method arouses students study initiative by vivid and visual situations and give rise to

resonance of students' emotional experience. The unique characteristic of civil mediation decides it suits the situational teaching methods with roles switched method.

Combine lecture teaching with special topic discussion. As research suggests, human being can form durable memory by repeated and similar stimulations. Lecture teaching bases on linkage between different knowledge, by establishing linkage between old and new knowledge and make the former learnt become the base of the later one and therefore form a deep and long lasting memory. In the opposite, unique and detailed stimulations can also bring long lasting memory. Therefore, by making use of specific teaching circumstances, stir up students' study interest, and improve teaching effect. Both the lecture teaching and special topic discussion require teachers pay attention to daily work, collect and sort case data by processing and extracting which to form the special topics. Apply theory in practice, combine knowledge with interest, integrate teaching content, start concentrate and divergent thinking training, and help students effectively study and research.

Reform 5: to combine students and teachers as double subject of the teaching

The so called "double subject" means teacher and students are both the subject of teaching. This mode breaks the traditional "teacher centered" teaching method, in the civil mediation teaching activity, teacher is the organizer, leader while students are subject of the study. The subjectivity of students and teacher is interacted and promote each other. The subjectivity of teacher is used for the improvement of students' while students' subjectivity's development depends on teachers' lead and guidance. Student's subjectivity's development can also promote the development of teachers' subjectivity. Teacher and students both developed continuously by interaction and mutual promotion.

Reform 6: to combine traditional teaching methods with modern teaching methods.

With the introduction of multimedia technology, teaching content has been enriched by pictures, videos, flashes, and other interesting and visual methods which have made university teaching methods more flexible and vivid. When make full use of the multimedia functions, traditional blackboard writing and body language is also very important. Teachers should treat students as sentimental persons instead of machines that can only accept knowledge passively. Besides, in the multimedia teaching process, we should also pay attention to update the content of the courseware used, keep collecting new legislations of civil mediation and classic cases, focus on developments of theoretical research and research results, and frontier issues in the practice of domestic and overseas civil mediation. Enrich the content of courseware, and make effort to keep the teaching content update with the development of society so that to expand students' view.

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