

THE CHALLENGES OF TEACHING ENVIRONMENTAL LAW – SHORT ANALYSIS

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Abstract: *Environmental law, in the current context of society's evolution, is a highly topical discipline. The study of this discipline is not easy, being made difficult by the great diversity of environmental protection fields and implicitly the legislation. Also, the teaching of this discipline is challenging, requiring the adaptation of classic teaching methods but also the finding of new tools. The present paper, starting from the presentation of some technical aspects of the discipline that produce barriers in the teaching-learning process, presents the author's experience in using (i) the project, as a personalized teaching method and (ii) complementary online information resources.*

Key words: *environmental law, teaching methods, project, complementary resources, TED*

1. Introduction

Legal sciences are constantly developing. The emergence of new branches of law and the development of classic ones, constitute a challenge for law faculties to establish a complex educational program that prepares the future graduate for the practice of legal professions.

One of the disciplines that has a not very distant origin, but that has evolved significantly in its social importance is Environmental Law.

The purpose of the teaching act is the effective transmission of information, knowledge, for the achievement of learning.

The success of learning is not only the student's but also the teacher's and is largely due to the teaching method(s). It is obvious that teaching methods in higher education, but not only, have evolved (Justice & al., 2007; Sajjad, 2010; Yakovleva & Yakovlev, 2014) and a great influence in recent years has been the obligation to adapt to an online based environment, following the Covid-19 pandemic (Ewing, 2021; García-Morales & al., 2021; Rapanta & al., 2021; Vlădoiu & al., 2021).

This paper presents the challenges encountered in teaching Environmental Law determined by the technical aspects of the discipline and the methods used by the author to overcome these barriers.

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2. Technical aspects regarding the "environmental law" discipline

2.1. The complexity of the discipline

As Professor Mircea Duţu (2007, p.142) shows, the environment knows no borders, so that even the branch of law called to protect the environment is not confined within rigid limits, but, on the contrary, it can be found both in the branches belonging to private law (civil law, agrarian law, consumer protection), as well as in those belonging to public law (constitutional law, criminal law or administrative law).

We thus agree that this branch of law is not so much a border branch between different other branches of law, but rather a globalizing branch, whose rules are found in other branches of law (Duşca, 2014, p. 8).

Both European Union and international regulations are of particular importance in environmental protection.

Therefore, in order to better understand the set of environmental obligations, the knowledge acquired within the disciplines in which European Union law and international law (public and private) are studied is necessary.

The complexity of real cases even requires knowledge of the rules before national or European Union courts.

Environmental law is linked to the fundamental human right to a healthy environment, so that beyond the constitutional area, knowledge of fundamental rights from the perspective of the ECHR is welcome.

The technical part of environmental law, covering all regulatory chapters, at least from the perspective of Government Emergency Ordinance no. 195 of 2005 on environmental protection, namely 15 regulatory chapters for distinct fields, requires a sustained effort both on the part of the teaching staff from the perspective of teaching, and on the part of the student, from the perspective of knowledge accumulation.

2.2. Teaching period

The discipline through which the study of environmental legislation, obligations and correlative rights is carried out, within the Faculty of Law of Transilvania University of Braşov, is Integrated Environmental Law, within the II semester of the IV year of studies. The localization of the discipline in the last year of studies is precisely due to the complexity of the subject and its connection with the various disciplines studied until then.

However, the concrete establishment of the 14 weeks in the second semester brings a new challenge due to the increased attention of students to the final graduation exam and to the subjects that are part of the license exam syllabus.

An importance on the student's perception of the importance of the subject is also its establishment within the mandatory or optional subjects and the number of credits.

A research on the education plans of the main law faculties in Romania (Table 1) revealed differences in the approach to the integration of the discipline in the study program, this being included as a subject related to either the second or the third year of studies, in both its forms possible: mandatory or optional. There are also differences in the granting of credits, ranging from 3 to 5.

Table 1

Evidence of the integration of environmental law in study programs

Nr. crt	The university of which the faculty of law is a part	Study year and semester	The type of discipline	Class and seminar hours	Credits
1	University of Bucharest	III/I	Compulsory	2/1	3
2	Ovidius University of Constanța	III/II	Compulsory	2/1	4
3	Ecological University of Bucharest	II/I	Compulsory	2/1	4
4	"Dunărea de Jos" University of Galați	II/I	Compulsory	2/1	5
5	Danubius University of Galați	III/I	Compulsory	2/1	4
6	Valahia University of Târgoviște	II/II	Compulsory	2/1	5
7	University of Craiova	II/II	Compulsory	2/1	4
8	"1 Decembrie" University of Alba Iulia	III/I	Optional	2/1	4
9	Lucian Blaga University of Sibiu	III/II	Optional	1/1	3
10	"Alexandru Ioan Cuza" University of Iași	III/II	Optional	2/1	3
11	University of Oradea	II/I	Optional	2/1	3
12	West University of Timișoara	II/II	Optional	2/1	3
13	Babeș Bolyai University of Cluj Napoca	II/II	Optional	2/1	3

I found a special situation in the curriculum of the Faculty of Law within the Academy of Economic Studies in Bucharest, which does not have this subject but, in the third year, second semester, Sustainable Development is found as an optional subject, which is held by teaching staff from the department of agri-food and environmental economics (<https://drept.ase.ro/programe/programe-de-licenta/>).

This raises the question of the student's ability to accumulate this knowledge, because the ability to understand such a complex subject is different for the student from the second year, the first semester, to that of the student from the third year, the second semester and, moreover, to that of the student from year IV.

This differentiation in the inclusion of the discipline in the years of study leads to challenges in finding teaching methods so that the discipline is accessible to students.

3. Adaptation of teaching methods to the specifics of the discipline

The specialized literature knows concerns regarding the effectiveness of different teaching methods, including from the perspective of teaching law (Friedland, 1996; Burrige & al., 2003).

Under this last aspect, both the classic methods of the field were researched, for example the use of jurisprudence (Baldwin, 1900; Carter & Unklesbay, 1989; Lasso,

2002) and modern approaches such as the use of the Microsoft Teams program (Martin & Tapp, 2019) or new communication technologies (Sherwin & al., 2006).

Starting from the specificity of the Environmental Law discipline, part of the specialized literature has researched different aspects of the challenges regarding teaching in this field. Various teaching methods and tools are presented such as the problem-based approach or the incorporation of current events or even what can be left out of the course (Robertson, 2021). From the perspective of developing specific skills, individual or group role play has also been studied (Coplan, 2016; Boer).

Kubasek (1998, p.19-20) shows that a critical thinking approach is especially appropriate for an environmental law class because of the sheer numbers of controversies that arise in this area. It is also shown that due to the large volume of normative acts, constantly changing and developing, one of the goals of education in the field of environmental law is to teach students how to manage environmental law knowledge, by developing individual search, selection and acquisition skills of information so that students reach the ultimate goal of the regulations, namely the spirit of the law (Кобеџка, 2020).

3.1. Personalizing the act of teaching - learning through projects

Starting from the reality of the complexity and size of environmental legislation, which causes a negative reaction of students towards the discipline, and from the need to find methods of increasing interest in learning, I used the project as a teaching method.

From an educational perspective, the project is a complex method of assessment, which usually takes place at the end of a module or semester. Through this method, students are put in a position to analyze and research information they have discovered on their own, finally evaluating the progress they have made over time.

Personalizing the development of the project in the context of the discipline, I transformed this evaluation method into a teaching method in the seminars.

3.1.1. Theme and purpose of the project

At the beginning of the semester, students are notified that they will have to carry out, either individually or in a group of maximum 2 people, a project through which the environmental normative acts applicable to the activity carried out in the university are identified.

To understand what they have to do, the structure of an environmental management system (ISO 1400 or EMAS) is presented, which includes the register of legal requirements and other requirements.

It is specified that this register must be drawn up in such a way that any person from the university would look at it, they would understand its structure and be able to use it in identifying and complying with environmental obligations.

The purpose of the project is to determine the understanding, through searches and at one's own pace, of the effective applicability of the normative acts that will be presented and discussed during the semester and to improve the ability to identify, acquire and manage environmental legal information.

3.1.2. Working method

In the first weeks of the semester, when the course studies the general elements of environmental law (principles, sources, links, the specifics of the legal norm of environmental law, etc.), students must identify, during the seminar hours, the actions that take place in university framework and their possible negative effects.

This activity is a challenging one for them, because most of them have never made the concrete connection between activities and pollution.

The answers to the initial searches may be funny, but they show that anchoring young people in the reality of environmental legislation is really difficult, they make the connection between heating buildings and air pollution, the use of photocopiers and the existence of hazardous waste, building maintenance and water pollution, etc.

The guidance method is one by one and step by step. The students are not given a model for the realization of the project, they are free to think in their own logic, the teaching staff having the obligation of personalized guidance for each student, starting from the aspects identified by each one.

Such an activity requires a greater effort both on the part of the teaching staff, who must identify each student's own logic and create a personalized guidance for it, but also on the part of the student who, not benefiting from a model of achievement, must leave his comfort area of classic didactic activities.

During the course hours, when presenting the areas of regulation and specific normative acts, students begin to make concrete connections between environmental legislation and polluting activities and their actual impact.

Thus, we move on to a new stage of the project, the concrete identification of the applicable legislation, issued both at the national level and at the level of the European Union or at international level. This is where the students who resonate most with environmental protection are differentiated from those who have a marginal interest, the former making complex searches for normative acts.

With free access to official legislative platforms and thus to a large volume of information, students learn to structure their information and integrate it into the project in such a way that it is comprehensible to everyone.

The project also has the role of training future lawyers in adapting to the realities of legal situations, which go far beyond the possible training framework through the four years of studies related to undergraduate legal studies.

3.2. Use of complementary sources of information

The application of environmental legislation can sometimes be abstract, if we consider the diffuse and complementary nature of pollution due to human activities. That is why we found it useful to present the concrete negative effects of human activities on the environment by referring to complementary online information sources, which can be generically included in OER sources (Perniu & al., 2021).

Of these, the ideas and concerns of specialists on the TED platform - Ideas worth spreading - had a particularly positive resonance (<https://www.ted.com/>).

TED (technology, entertainment and design) is a:

- a nonprofit devoted to spreading ideas, usually in the form of short, powerful talks (18 minutes or less).
- global community, welcoming people from every discipline and culture who seek a deeper understanding of the world. Founders believe passionately in the power of ideas to change attitudes, lives and, ultimately, the world. On TED.com, they are building a clearinghouse of free knowledge from the world's most inspired thinkers — and a community of curious souls to engage with ideas and each other, both online and at TED and TEDx events around the world, all year long (<https://www.ted.com/about/our-organization>).

Among the topics related to this paper we find environment, biodiversity, climate change, conservation, ecology, global issue, natural resources, ocean, plastic, pollution, renewable energy, sustainability, water.

The great variety of information, the accessible way of presentation, the translation of information into several languages, including Romanian, the permanent connection of the information presented to current environmental problems (and not only), makes this complementary source a particularly useful one for teachers.

The students who were presented with this resource particularly appreciated the interesting interdisciplinary approach to environmental issues, including their novelty.

4. Conclusion

The previously presented methods brought improvements in the quality of the didactic act but also in the final assessment of the students, the students understanding better and easily accepting the assessment requirements.

Among the advantages of the respective methods, we can identify:

- an important part of the training tends to become individual, taking into account the personality characteristics but also the interests of each student;
- the possibility of concise and interesting presentation of environmental legal information;
- the combination of several methods of transmitting information, each of which aims at a specific learning method.

Modern teaching methods can improve the didactic act and students' perception of a subject, but from the perspective of the complexity of the subject Environmental Law, they cannot replace the student's ability to have a complex and applied vision, which develops through at least two years of university studies.

Therefore, we believe that the place of the Environmental Law discipline in the education plan is, at least, in the third year of studies, and within it, in the second semester.

From the perspective of years of teaching environmental law, in which the described methods were used, some of the students' thoughts gave me great pleasure. I would remember those moments when the students, although they claimed that they had never worked so hard on any other subject, said at the end that it gave them the greatest pleasure to complete the project.

In particular, I would like to mention the transformation of a student's perception of

the subject, who, even at the beginning of the project, stated that he was coming and doing it to secure the points allocated to the grading, showing a total marginal interest in the subject, at the end he requested to be accepted in order to prepare his bachelor's thesis in the field of environmental law.

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