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A Moot Point: Encouraging discussion and debate in the Arts and Humanities classroom

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A Moot Point: Encouraging discussion and debate in the Arts and Humanities classroom

Summary

In any classroom, engaging students in rigorous discussion and debate can be difficult. In my own discipline of Women's Studies, I have found that students can be wary of challenging one another or presenting opposing viewpoints. While agreement is not inherently negative, I have noticed that opposing viewpoints and controversy are often bypassed or overlooked for the sake of agreement. An unintended consequence of this is the silencing of difference, which can be one of the most effective learning tools in any classroom. For this reason, I have developed a class activity that necessitates debate and a consideration of opposing viewpoints. In this paper, I explain how to organize and run a class moot, and offer an outline of the workshop I developed to help give you the tools to adapt and carry out this exercise with your own classes.

Keywords

moot, group work, class discussion, participation, debate

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A Moot Point: Encouraging Discussion and Debate in the Arts and Humanities Classroom

SUMMARY

In any classroom, engaging students in rigorous discussion and debate can be difficult. In my own discipline of Women's Studies, I have found that students can be wary of challenging one another or presenting opposing viewpoints. While agreement is not inherently negative, I have noticed that opposing viewpoints and controversy are often bypassed or overlooked for the sake of agreement. An unintended consequence of this is the silencing of difference, which can be one of the most effective learning tools in any classroom. For this reason, I have developed a class activity that necessitates debate and a consideration of opposing viewpoints. In this paper, I explain how to organize and run a class moot, and offer an outline of the workshop I developed to help give you the tools to adapt and carry out this exercise with your own classes.

Key Words: moot, group work, class discussion, participation, debate

LEARNING OBJECTIVES

Discussion and debate are essential elements of learning and courses will benefit from embracing a wide variety of opinions. This paper will highlight a classroom activity I have developed to address this issue, and give you the tools to carry out the exercise with your own classes. You will become familiar with the different elements of a class moot and some of the ways it can be used to encourage lively discussion and debate. Also I will point to the benefits of engaging your class in an activity that involves large group work, small group work and independent reflection, as well as outline the workshop I developed to teach educators how to use mooting as a learning tool in the classroom.

ACTIVITY: CLASS MOOT

I have adopted this activity from the practice of mooting in law schools, which is designed to engage the class in litigation using existing case law. In law schools, mooting is used as a way to teach the skills needed for litigation and to develop students' competence with legal research and case law. In this context, stringent rules of conduct and form apply. However, when adapting this exercise for other disciplines, instructors are able to set their own guidelines and focus instead on the content of the

arguments and their relevance to course themes and material. Although this exercise works particularly well when course content can be applied to legal cases or the law more generally, it is easily adaptable as a debating strategy for any undergraduate or graduate course.

To run a moot, split the class into pairs. From those pairs, form groups of four. Assign each group a case, topic, or question relating to course material, and assign one pair to argue in the affirmative, and the other to argue the negative. Those students who are not arguing their case can act as judges, and be given an opportunity to consider the participants' points, after which they will each issue a ruling. Because each decision will be highly personal, each student or "judge" should be given one vote. A ruling will be made in favor of the side with the most votes.

Because the exercise requires research, personal reflection and a formal presentation, it will help students develop presentation, oral and written communication skills. Students are required to work in teams to develop their arguments, and in a large group to decide the ruling, and as such the exercise will help students develop teamwork skills. In a moot, each student is given the opportunity to express opinions and arguments, which help facilitate participation in class and has the potential to enhance discussion with new ideas.

REFERENCE SUMMARIES

Lynch, A. (1996). Why do we moot? Exploring the role of mooting in legal education. *Legal Education Review*, 7(1), 67-96.

Lynch explores the value of mooting in law schools from a pedagogical perspective. He suggests that having students perform in a moot allows for different approaches to learning, namely affective and motivational. Lynch highlights the work involved in preparing for a moot and suggests that this practice helps students develop valuable skills such as research, team work, and public speaking. He asserts that moots are a "form of learning which may be constructivist, experiential and problem-based" (p. 76). Mooting is constructivist in the sense that the student and her learning are the prime focus of the activity. The instructor has peripheral involvement in the execution of a moot and for this reason we can understand it to be experiential for students. Learning takes place as a result of the experience and reflection on the part of the student. This article offers an excellent rationale for the value of mooting in the classroom and will be used to support my argument that the practice is transferable to disciplines outside of law.

Lynch, A. (1999). Packing them in the aisles: Making use of moots as part of course delivery. *Legal Education Review*, 10(1), 83-106.

Building on previous research, Lynch argues that while the benefits of mooting for the participants are widely acknowledged, little attention is paid to the value of the practice for students in the audience. Since only a few students at a time will have a defined role in the moot, the role of the audience is often overlooked or ignored. Lynch suggests “a moot program provides not only an educational experience for mooters, but also serves as a means of engaging the interest of the spectating students in a substantive topic by situating that topic in a discipline specific context, and one which is very different from lectures or tutorials” (p. 86). Lynch contends that observing moots helps students retain material and encourages their interest in the topics discussed. Lynch’s argument exposes the deep educational value of mooting in the classroom and can be referred to as an example of its wide reaching benefits.

Wolski, B. (2009). Beyond Mooting: Designing an Advocacy, Ethics and Values Matrix for the Law School Curriculum. *Legal Education Review*, 19(1/2), 41-82.

In her article, Wolski addresses some of the concerns expressed by legal commentators who argue that mooting focuses too much on skill development, the feedback students receive is too general and mooting takes place too early in law schools. A possible outcome of early introduction to mooting is that students are not capable of grasping the complexities of the issues with which they are working. I have no standing for comment on how the practice of mooting factors into the law school curriculum; however, I believe that mooting has vast potential in the Arts and Humanities or Social Sciences to address the above-noted concerns. For example, within the Women’s Studies classroom, developing oral communication skills, igniting class discussion and grappling with the material are key elements of the curriculum. For this reason, the criticism expressed by legal scholars serves to reinforce the value of mooting as an educational exercise.

CONTENT AND ORGANIZATION

The following is a breakdown of the 90 minute workshop I have developed to teach educators how to adapt the practice of mooting for use in their classrooms.

Time	Content	Question(s)
0-5 minutes	Welcome, introduction and seminar objectives	What will I learn from this session?

Time	Content	Question(s)
5-15 minutes	PowerPoint and Lecture, including a short history of mooting	What is a moot?
15-25 minutes	Break-out groups for brainstorming	How would a moot look in your class? What are some potential benefits? Can you anticipate any challenges?
25-35 minutes	Large group discussion where each group will share their answers to the above questions	
35-55 minutes	PowerPoint and Lecture, conduct norming session, giving an example of mooting, answer questions, provide strategies for adapting a moot	Would anyone like to volunteer to participate in a practice moot?
55-60 minutes	Volunteers prepare for moot, formulate their arguments. The rest of group will continue to address questions and brainstorm adaptation strategies	Does the practice of mooting have value outside law school?
60-70 minutes	Moot (each side will have 4 minutes to argue their case, while the audience will have 2 minutes to decide their verdict)	

Time	Content	Question(s)
70-80 minutes	Debrief	How did you find participating in the moot? What parts did you like/dislike? How do you think this exercise might be helpful in your class?
80-90 minutes	Questions and reflections, ask each participant to complete a short evaluation of the workshop	What did you think of this session?

PRESENTATION STRATEGIES

Due to the variation of learning styles in every classroom, I have worked to include a number of different teaching strategies in this workshop. I will lecture for part of the time, accompanied by a PowerPoint presentation that I will then make available to participants after the workshop. I would like participants to focus on what I am saying, rather than taking notes, therefore I think it is important to make the PowerPoint slides available afterwards. The workshop will also involve both small group, and large group discussion, in order to facilitate participation. In addition, for the experiential learners, a few workshop participants will perform in a moot, while the rest of the group will act as the judges and provide a ruling. I have included time at the end for feedback as it is crucial for maintaining my effectiveness as an instructor.