

# Role-Playing Brings Theory to Life in a Multicultural Learning Environment

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## Section 1: Introduction

Bringing theory to life has always been the aim of educators. Teachers in all subjects and institutions struggle with the need to convey theoretic concepts to a varied group, hoping to foster curiosity and maintain interest. We often search for didactic tools that may mediate between theory and its implementation. The need for such pedagogy is even greater in complex learning environments, as in classes that are multicultural or intensely diverse in worldviews.<sup>1</sup> This report wishes to share a positive experience in such a setting. We offer our insight into the method of role-playing in public international law (PIL) courses in a highly diverse class. Although it was not conducted as a scientific experiment, we appreciate the value of disseminating the knowledge accumulated in the process among educators, and thus invite our colleagues into our experiences.

Attempting to infer generalizing conclusions based on one test case has major scientific shortcomings. We are well-aware of possible critiques concerning the transferability of our findings and therefore would like to stress that this Article does not suggest doing so. On the contrary: By sharing our anecdotal experience, which to a great extent reaffirms findings well-established in academic literature, we intend to stimulate our colleagues to further explore and compare the discussed themes.<sup>2</sup> Our objective in this paper would be to

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1. Most classes globally encompass some *diversity*, e.g., in terms of students' gender, age, their social status, their race, etc. However, *multicultural* classes of the kind taught in ZAC encompass, in addition to these diversities, students from different cultures that due to political reality are in constant conflict, but nevertheless have to continue sharing the same geographic space and interact on a daily basis. The aim of multiculturalism is to find the connection and acceptance between and among different cultures. Andrea Masullo, *The Importance of Diversity and Multiculturalism in the Classroom!*, UVM (2013), [https://www.uvm.edu/~arted/AndreaMasullo/?page\\_id=738](https://www.uvm.edu/~arted/AndreaMasullo/?page_id=738).
2. For the relevance of case study methodology, see Roger Gomm, Martyn Hammersley &



aims to sum up the knowledge acquired during the PIL course. However, this didactic method also has been used in other courses at ZAC. In this paper, following this first section, **Section 2** lays out the theoretical background underlying the use of role-playing in legal education. We specifically address the contribution of this method to the challenges of teaching PIL courses in a multicultural learning environment. In **Section 3** two role-playing exercises are described and compared—both to each other and to the real Middle Eastern conflict. **Section 4** offers an analysis of the insights acquired through implementing these role-playing exercises. **Section 5** concludes and suggests further thought on the use of role-playing as means for bringing theory to life in a multicultural learning environment.

## **Section 2: Role-Playing as a Pedagogic Instrument in a Heterogenic Learning Environment**

### *2.1 Experiential Learning in Legal Education*

From its onset, the legal academy worldwide has been struggling with questions regarding the best approach to teaching and learning law: What should be taught in a law school, who should be teaching, and how? Although each legal system is different and legal education in each system has developed in its unique way, one common dilemma is present in each of the discussions regarding law school curricula. This is the question—and posing it as a dilemma is quite misleading—of whether or not the legal academy should serve as a vocational school. In other words: Should the role of law school be to prepare its graduates for legal practice? Or should it focus on the theoretical aspects of law, leaving to the professional associations the responsibility for training students in practical skills?<sup>8</sup>

Many scholars assume that the role of Israeli legal academy is more widely associated with reviewing, challenging, and criticizing the law and legal culture.<sup>9</sup> Surveying most Israeli legal curricula from their onset suggests that Israeli law schools are quite aligned with this more theoretical approach.<sup>10</sup> However, the expectation and the assumption of the legislature, the bar, the bench, and the students themselves are that the academic studies of legal trainees, over the course of their LL.B. program, prepare them for practice.<sup>11</sup> This is due to the direct link between the process of academic legal education

8. For a review of some of the literature and a comparative discussion on these questions, see Yael Efron, *Legal Education in Israel: Where Is It Headed?*, 9 ALEI MISHPAT [LAW REVIEW OF THE ACADEMIC CENTER OF LAW & BUSINESS] 45 (2010) (Isr.).
9. MENACHEM MAUTNER, ON LEGAL EDUCATION 12 (2002) (Isr.). This is the view of many scholars outside of Israel as well. See, e.g., David Sugarman, *Beyond Ignorance and Complacency: Robert Stevens' Journey Through Lawyers and the Courts*, 16 INT'L J. OF LEGAL PROF. 10 (2009).
10. This observation is discussed in Efron, *supra* note 8, at 64-68.
11. *Id.*

and the licensure process for legal practice in Israel.<sup>12</sup> Those who advocate for a more skill-oriented curriculum do so also on the claim that law schools should focus on adequate preparation for practice as part of their social responsibilities.<sup>13</sup>

With that said, it is quite uncommon today to view the theory-vs.-practice divide as a dichotomy.<sup>14</sup> Although legal education is dominated by a theoretical approach, many opportunities for experiential learning are offered in the form of legal clinics, moot court competitions, and practical workshops. The well-accepted view of legal education in Israel today, as reflected by its current curricular design, is that “good theory is practical and that good practice is informed by theory.”<sup>15</sup> Recent years seem to have brought about changes in the legal academy’s perspective regarding the importance of practical teaching and experiential learning.<sup>16</sup>

In newly establishing a law school in the geographic, demographic, and socioeconomic periphery of Israel, the founders of the law school at ZAC adopted a practice-oriented approach to legal education. The declared intention to promote vocational training as part of the legal curriculum motivates many of the students to study law at ZAC. Coming from underprivileged communities, many of the students perceive their legal degree as means for social mobility and their future legal practice as potential financial relief.<sup>17</sup> Therefore, the pedagogical choices at ZAC law school attempt to combine professional training with a wider humanistic, theoretical grounding, as suggested in the scholarship.<sup>18</sup>

The didactic methods at ZAC law school seek to break through the ex-cathedra traditions of teaching law by offering experiential opportunities for students to practice independent legal research, enhance rhetoric capabilities,

12. The academic requisite of the legal licensure process is an LL.B. degree. Bar Association Law, 5721-1961, § 25(1), 178 (as amended) (Isr.).
13. Neta Ziv, *Legal Education and Social Responsibility: On the Link Between the Law Faculty and the Community in Which It Is Placed*, 25(2) THEORETICAL INQUIRIES IN L. 385 (2001) (Isr.); Stephen Wizner, *The Law School Clinic: Legal Education in the Interests of Justice*, 70 FORDHAM L. REV. 1929, 1934 (2002); Yaron Silverstein and Yael Efron, *Law Students as Agents of Social Change—Moral Values and Attitudes in Zefat College School of Law*, 6 MA’ASEI MISHPAT [TEL AVIV UNIV. J. FOR SOC. CHANGE] 105, 108 (2014) (Isr.).
14. Yael Efron, *Clinical Legal Education in Israel*, in CLINICAL LEGAL EDUCATION IN ASIA: ACCESSING JUSTICE FOR THE UNDERPRIVILEGED 91, 95 (Shuvro Prosun Sarker ed., 2015); Noya Rimalt, *Legal Education: Between Theory and Practice*, 24 TEL AVIV U. L. REV. 81, 129 (2001) (Isr.).
15. Wizner, *supra* note 13, at 1932.
16. Efron, *supra* note 14.
17. Silverstein & Efron, *supra* note 13, at 110. On academic studies as a resource for empowerment of underprivileged communities, see Efron & Silverstein, *supra* note 4, at 340.
18. MAUTNER, *supra* note 9, at 7.

and perfect their oral and written expression.<sup>19</sup> These methods not only target the acquisition of skills but also aim to promote values such as professional ethics, collegiality, acknowledgment of others, and empathy to their distress.<sup>20</sup> In order to do so, the legal pedagogy includes the development of interpersonal communication and emotional intelligence as an integral part of lawyering skills.<sup>21</sup> Given the unique makeup of the student body at ZAC, special attention is also drawn to the promotion of intercultural literacy and sensitivity.<sup>22</sup>

Role-playing, in which students are assigned a role and act out a given scenario, is a useful example of an experiential technique for teaching and learning. Its use has been documented and studied in the literature for more than half a century.<sup>23</sup> Such pedagogic research exposes the shortcomings as well as the advantages of role-playing as a method for learning theoretical subject matters. Although many of these studies show negligible significance in the acquisition of knowledge through the use of role-playing (compared with lecture and case-study approaches), other benefits of role-playing were clearly recognized. Most studies concluded that role-playing significantly enhanced students' interest in the material being learned; in the retention of this material in more detail and for a longer time; and in instilling a positive attitude and defusing anxiety about the subject matter.<sup>24</sup> Role-playing not only brings theory to life and offers students the chance to put theory into practice; it does so in an enjoyable and accommodating manner.

### 2.2 *The Challenge of Teaching Public International Law at ZAC*

In November 1989 the United Nations General Assembly affirmed Resolution 44/23, announcing the 1990s as the Decade of International Law. In this resolution the U.N. called to enhance the teaching, learning and dissemination of international law. Following this U.N. Resolution, the Institut de Droit International also recommended that international law be included in every law school curriculum, so that no law student could graduate without

19. See John Lande & Jean R. Sternlight, *The Potential Contribution of ADR to an Integrated Curriculum: Preparing Law Students for Real World Lawyering*, 25(1) OHIO ST. J. ON DIS. RESOL. 247, 261 (2010).

20. See Wizner, *supra* note 13.

21. See Leonard L. Riskin, *The Contemplative Lawyer: On the Potential Contributions of Mindfulness Meditation to Law Students, Lawyers, and their Clients*, 7 HARV. NEGOT. L. REV. 1, 17 (2002).

22. See Phyllis E. Bernard, *Finding Common Ground in the Soil of Culture*, in RETHINKING NEGOTIATION TEACHING: INNOVATIONS FOR CONTEXT AND CULTURES 29 (Christopher Honeyman, James Coben & Giuseppe De Palo eds., 2009) [hereinafter RETHINKING NEGOTIATION]. On challenges and benefits of learning law in a multicultural environment, see also Efron & Silverstein, *supra* note 4, at 344.

23. For an extensive review of this literature, see Daniel Druckman & Noam Ebner, *Onstage or Behind the Scenes? Relative Learning Benefits of Simulation Role-Play and Design*, 39(4) SIMULATION AND GAMING 465, 467 (2008).

24. *Id.*

at least a basic exposure to this subject matter.<sup>25</sup> Indeed, all Israeli law schools offer a PIL course in their LLB program.

In all these law schools, including ZAC's, the links of PIL rules to daily life in Israel, and their direct and indirect effects on the Israeli domestic law, are strongly emphasized. This approach is meant to expose Israeli law students to the immense importance of this legal discipline to Israel—a country that is a party to a PIL conflict since its establishment, but also an active member of many PIL forums such as the U.N., the WTO, and the OECD. At ZAC, this course is taught on the first year of law school. At this point in the program, many students struggle with it. First, many students do not appreciate in the beginning of the course its relevance to their future practice as lawyers. It is only as the course progresses that they encounter the multiple instances of diffusion of international norms into domestic law. For some, it is only after graduation that they appreciate the impact of theoretical concepts that govern global systems of law and commerce.<sup>26</sup>

Second, the many contradictions between the domestic law and the international norms foster frustration. Israeli policy is often criticized in international tribunals. In certain cases, comparing these tribunals' decisions regarding Israel with decisions in similar circumstances regarding other countries seems to reflect selective and non-consistent application of PIL rules. In addition, both students who identify with Israel's policies and those who oppose it find the local courts' approach to international law unsettling and confusing.

The third reason for distress among some of our students has to do with the language difficulties. With very few exceptions, English is not the mother tongue of our students. Even more so, it is not even a second language for a wide group of them, who speak Arabic at home, with Hebrew as their second tongue. It is therefore difficult for many of them to follow the case law in the course's bibliography. Students who belong to minority groups in Israel might also experience growing frustration as they gradually become aware of the gap between values promoted by domestic law, which often preserves existing hierarchies, and international norms that aim to promote equality. Additionally, students often express frustration over the inability of PIL to solve current international conflicts.

25. INSTITUT DE DROIT INTERNATIONAL [THE INST. OF INT'L LAW], THE TEACHING OF PUBLIC AND PRIVATE INTERNATIONAL LAW I (1997), [http://www.justitiaetpace.org/idiE/resolutionsE/1997\\_str\\_01\\_en.PDF](http://www.justitiaetpace.org/idiE/resolutionsE/1997_str_01_en.PDF) (last visited Oct. 18, 2016).

26. In his guest-lecture to the students of ZAC law school on May 13, 2013, Former Chief Justice Aharon Barak described Israel as a "living laboratory of international norms." For his description of the Israeli legal system, see Aharon Barak, *Some Reflections on the Israeli Legal System and Its Judiciary*, 6(1) ELECTRONIC J. COMP. L. (Apr. 2002), <http://www.ejcl.org/61/art61-1.html>.

For the notion of Israel as a "laboratory" for legal norms, see also Daphne Barak-Erez, *The National Security Constitution and the Israeli Condition*, ISRAELI CONSTITUTION IN THE MAKING (Gideon Sapir, Daphne Barak-Erez & Aharon Barak eds., 2013) 429, 429.

Another challenge in our international law classes stems from the multicultural makeup of the student body, which serves as a microcosm of Israel. In a country where current events often reflect international law conflicts, leading a learned discussion on the legality of these events is highly volatile. As an example, discussing the annexation of the Golan Heights in the presence of its inhabitants in the class can lead to elevated emotions. Another example has to do with the military operations in Gaza in light of humanitarian law, which creates tensions among those who actively participated in the fighting or were attacked by Hamas missiles, and those who identify with the hurt of innocents on the other side of the border. Discussion of territorial disputes, self-determination, breach of international waters, or laws of war is always carefully planned to avoid “explosions” in class.

To address some of these challenges, the course focuses mainly on the introduction of basic concepts and processes, main institutions and tribunals, and leading case law that demonstrate these concepts and institutions. Specific links to Israeli cases are mentioned where relevant. For the sake of inducing a positive attitude and enhancing student interest in the learning, and to ensure retention of the material taught, role-play activities at the end of the course are selected as means of summing up the material learned and preparing students for the final exam.

### 2.3 Teaching Law in Multicultural Classes

The educational process—just like the law<sup>27</sup>—operates in a social setting, and is justified by social needs. Therefore, culture plays a crucial role in curricular design and pedagogy. In the context of legal education, individual culture affects the motivation to study law,<sup>28</sup> as well as the participation in certain didactics,<sup>29</sup> learning-style preferences,<sup>30</sup> and more. Studies that have examined learning abilities suggest there are, in fact, culturally based variations.<sup>31</sup> The law school culture is not necessarily the accumulation of cultural traits portrayed in all individuals in class. It is distinct, sometimes even contradictory, to the societal culture of the individual. When law school culture and the individual learner’s (or teacher’s) cultural background contradict, educational tensions are created.

27. See Menachem Mautner, *Three Approaches to Law and Culture*, 96 CORNELL L. REV. 839 (2011).

28. Efron & Silverstein, *supra* note 4, at 355.

29. Nadja Alexander & Michelle LeBaron, *Death of the Role-Play*, in RETHINKING NEGOTIATION, *supra* note 22, at 179, 182-84.

30. Empirical data clearly support the notion that one’s culture directly affects learning preferences. See Glauco De Vita, *Learning Styles, Culture and Inclusive Interaction in the Multicultural Classroom: A Business and Management Perspective*, 38(2) INNOVATIONS EDUC. & TEACHING INT’L 165 (2001).

31. See examples of culturally categorized learning styles in Kimberlee K. Kovach, *Culture, Cognition and Learning Preferences*, in RETHINKING NEGOTIATION, *supra* note 22, at 343, 348-49.

Role-plays are a useful method to address many educational tensions. However, in some social settings taking on others' identities may be perceived as disrespectful. Sometimes, when a group has a strong ethic of noninterference, "playing" someone else may feel inappropriate and invasive.<sup>32</sup> Using role-plays in a multicultural setting should therefore be done consciously. Experiential learning is based upon the premise that the experiences must be realistic to have meaning for the individual students. The exercises and simulations should contain subject matter likely to be encountered by the students.<sup>33</sup> When context is artificial, knowledge and skills may be similarly artificial, thus reducing the likelihood of the transfer of skills into real situations.<sup>34</sup>

Simulations based on pseudo-reality may overcome these obstacles. The pseudo-reality simulation design method developed by Ebner & Efron<sup>35</sup> has proved successful in engaging students from diverse backgrounds in role-playing. The reason students are happy to engage in a fictional scenario is that the method of pseudo-reality allows them to detach themselves emotionally from their own lives yet stay in a context of familiar fact patterns and dilemmas with which they are well-acquainted.

### **Section 3: The Role-Plays Used in the Public International Law Course at ZAC**

#### *3.1 The Didactic Process*

The role-plays used at ZAC were constructed in consecutive phases, as follows:

A. An imaginary scenario, representing a conflict between two or more international players, was invented. It was designed as a story told directly to each party. The story contained factual details, shared by all parties, as well as confidential role information, delivered discretely to each player, according to the role assigned to each.

B. The case story was designed specifically to involve legal, economic, and social dilemmas that resemble real-life dilemmas encountered by the students in their daily lives or current events, and covered by the course material.

C. The students were divided into groups, each being assigned a role as one of the different parties to the imaginary dispute. The groups were heterogeneous, including students who might hold personal views different from the ones assigned to them. A member of each group was nominated by the instructors

32. Alexander & LeBaron, *supra* note 29, at 182.

33. Kovach, *supra* note 31, at 346.

34. Alexander & LeBaron, *supra* note 29, at 184.

35. See Noam Ebner & Yael Efron, *Using Tomorrow's Headlines for Today's Training: Creating Pseudo-Reality in Conflict Resolution Simulation-Games*, 21(3) HARV. NEGOT. J. 377 (2005).



to coordinate the preparatory work of the group and act as liaison to the instructors.

D. The group was instructed to conduct legal research on the disputed items as reflected in the scenario and to prepare a legal brief. This brief was then delivered to an assigned team of third-year students taking an advanced negotiation course. These advanced students were nominated as group leaders. The international law students served as their legal counsel in the simulation game.

E. The groups met at a designated place and time to negotiate. Usually three hours were dedicated for active role-playing, and by the end of the negotiations the participants were expected to come up with a pragmatic solution to at least one disputed item of the imaginary conflict introduced, with the consent of all parties.

F. By the end of the allotted time, the instructors conducted a thorough debrief. The international law course professor advised on the legal aspects of the resolution. The negotiation course teacher advised on the process.

### *3.2 The Imaginary Plots*

Two plots were developed by the authors for role-plays in the context of the PIL course. In terms of factual details they relied on the “pseudo-reality” method,<sup>36</sup> which uses a plausible yet unreal factual backdrop. Its reality facade was enhanced by the use of props, such as maps, pictures, and other documents. Conflicting interests chosen for each scenario relied on the material covered in the PIL course. This way, as the participants chose an agreed solution to the conflict, they had to consider the comparative weight of each interest involved. In both exercises the parties had to decide whether to opt for a legal or an economic/pragmatic approach to reach mutually agreed solutions.

The scenarios brought hereafter are summarized, but a full version with an elaborated teaching guide is available at the links provided.

#### Little Golano<sup>37</sup>

“Little Golano” is an imaginary place on the border between the United States and Mexico. Its international status has been a source of dispute between these two countries for the past hundred years. A peace agreement reached between these two nations a hundred years ago, following a bloody war, provides that the land north of the “San Golano River” will be held by

36. *Id.*

37. See Noam Ebner & Yael Efron, *Little Golano: An International Conflict Management Simulation* (2009) (unpublished paper), <http://ssrn.com/abstract=2237985>. This role-play was awarded first prize at the 2009 E-PARCC Competition for Collaborative Governance at Syracuse University. Its adaptation to the public international law classes at ZAC was created by the authors, Munin and Efron.

the United States, while the land south of it will be possessed by Mexico. Nevertheless, some twenty-five acres south of the river (a territory known as “Little Golano”) will be possessed by the United States for one hundred years, after which possession of this territory will be assumed by Mexico.

Over the ninety-nine years since the conclusion of this peace agreement, the United States developed Little Golano, turning it into a prospering industrial park. A town named Golano Falls was established by the river, and the area downstream was established as a natural reserve. Many ecological tourism projects were developed between the town and the natural reserve. The huge financial investments that changed the place dramatically, as well as the sentimental feelings developed toward it by U.S. citizens, motivate the United States to fight for continuous possession of this area. Moreover, recently, a unique species of seaweed was discovered on the bottom of a narrow sea bay at the territory of San Golano. Using a technology developed in the industrial park, scientists have concluded that this seaweed may encourage the creation of white blood cells responsible for the immune system of the human body. This revelation may be a breakthrough in the development of a medical cure to AIDS. This sensitive information is exclusively held by the United States, and already negotiated with the pharmaceutical industry to exhaust its profit potential.

On the other side of the border, the Mexican government anticipates the financial relief from the turnover of land. It awaits a decrease in unemployment rates resulting from the additional work opportunities at the industrial park and tourist attractions. It plans to divert water from the San Golano River to farmlands south of the river to provide relief to drought-struck fields. But even more so, the government wishes to announce to thousands of Mexican citizens longing to return to their forefathers’ lands that Little Golano is under Mexican possession again.

In both countries, public opinion presses strongly to ensure possession of this territory, and a summit meeting is set up for the parties to discuss the possible options to settle the dispute.

#### Flashpoint Syria<sup>38</sup>

This case describes an incident that takes place during a civilian war within Syria, in the midst of a tense period in its relations with its neighbor Turkey. A rocket, wrongfully directed by the rebelling Syrian powers, hits a Syrian industrial fertilizer plant close to its border with Turkey. The explosion ignites

38. Noam Ebner, Yael Efron & Nellie Munin, *Flashpoint: Syria, 2014—An International Conflict Management Simulation* (2014), SYRACUSE U.: E-PARCC, [http://www.maxwell.syr.edu/parcc/eparcc/simulations/FlashPoint\\_Syria,\\_2014\\_%E2%80%93An\\_International\\_Conflict\\_Management\\_Simulation](http://www.maxwell.syr.edu/parcc/eparcc/simulations/FlashPoint_Syria,_2014_%E2%80%93An_International_Conflict_Management_Simulation) (last visited Oct. 20, 2016).

This role-play was developed originally by the authors, Munin and Efron, and after further adaptation by Ebner the role-play was submitted to the 2014 E-Parcc Competition for Collaborative Governance at Syracuse University, where it was awarded first prize.

the fertilizers, consequently spreading poisonous chemicals on both sides of the border, endangering both Syrian and Turkish civilians.

Turkey is thus interested in exploring the source and scope of contamination to determine the optimal treatment necessary to stop it, but Syria refuses. An old dispute about the possession of this territory is revived. In addition, Syria suspects that if allowed to cross the border, the Turks may abuse this opportunity to transfer weapons and other means of aid to the rebelling troops.

The incident reveals that the alleged fertilizer plant probably hid a chemical weapon operation. An NGO offers its help in clearing the area of these materials if allowed to first take note of them and then destroy them. Both countries involved turn down this offer. Meanwhile, local inhabitants adversely affected appeal to the European Court of Human Rights.

### *3.3 Comparing the Two Cases*

#### *The parties involved*

“Little Golano” reflects a conflict between two main parties: the United States and Mexico. Less attention is drawn to the secondary parties also involved (such as pharmaceutical companies), and only the two nations’ interests are represented in the negotiations. However, “Flashpoint Syria” reflects a broader arena of conflict, including three circles: the internal, Syrian circle, involving the legal regime and the rebellions; the second circle, an interparty circle involving the two countries, Syria and Turkey; and a wider, third circle representing global interests: the NGO and the European Court of Human Rights, acting in the framework of the Council of Europe.

#### *The interests involved*

“Little Golano” involves territorial and particular economic interests. National identity interests also play a role in shaping the general atmosphere in the countries involved, thus affecting the political choices made. In the background are hints that additional interests might be relevant in a long-term prospect, such as immigration control and potential risks to the environment. “Flashpoint Syria” also involves territorial interests, but concentrates more on national and international security interests, the environment, public health, and the status of refugees.

#### *Timetable*

The “Little Golano” fact pattern determines a one-year time frame to settle the dispute before the expiration of the hundred-year agreement between the parties. “Flashpoint” does not define a clear time frame, but it is clear that the danger is intense and immediate, as every passing day means more victims. Consequently, in fact, the time frame is much more pressing.

*Alternative costs*

In the “Little Golano” case, the alternative to an agreed solution for the conflict risks economic, territorial, and national pride interests of the parties. In “Flashpoint,” the alternative to an agreement is measured in terms of human lives and environmental health.

*Legal context*

Both cases demonstrate use of legal standards. Legal aspects studied in the PIL course relevant to the “Little Golano” exercise may include: the international agreement; its weight in the relationship between the parties and the possible manners of its interpretation, or alternatively withdrawal or deviation from it; the legal manners of territory acquisition according to PIL; the implications of PIL rules on individuals; the North American Free Trade Agreement (NAFTA);<sup>39</sup> treatment of illegal immigration; the implications of the self-determination right on nations. Legal aspects studied in the PIL course that are relevant to the “Flashpoint Syria” case may involve: the law of war, particularly the legitimacy of intervention by one state in a civilian war at another state and the right for self-defense; the legitimate manners of territory acquisition; policy and practice with regard to refugees and to environmental issues; U.N.’s Chemical Weapon Convention (CWC),<sup>40</sup> and the question of whether it reflects customary law and human rights law.

*3.4 Similarities of the Scenarios to the Middle East Reality*

To be effective, pseudo-reality scenarios have to include elements similar to a real conflict experienced by the simulation’s participants in order to remind them of a context of familiar fact patterns and dilemmas with which they are well-acquainted.<sup>41</sup>

For many years the Middle East has experienced an ongoing dispute between Israel and the Palestinian Authority/state (PA). It is a territorial dispute regarding the right to possess territory held by these two nations. Parts of Israel’s territory were transferred to its possession following a 1947 U.N. resolution that ended the British mandate in the region, offering a plan of partition of the territory among the parties involved.<sup>42</sup> Other parts of the Israeli territory were conquered during the wars that took place since its establishment as a result of Arab military active resistance to this plan. Some of these occupied territories were withdrawn because of peace agreements

39. North American Free Trade Agreement, Can.-Mex.-U.S., Dec. 17, 1992, 32 I.L.M. 289 (1993).

40. Chemical Weapon Convention, 1974 U.N.T.S. 45 (1992).

41. See Ebner & Efron, *supra* note 35.

42. See G.A. Res. 181(II) (Nov. 29, 1947); *UN Partition Plan-Resolution 181 (1947)*, ISR. MINISTRY OF FOREIGN AFFAIRS, <http://www.mfa.gov.il/mfa/aboutisrael/maps/pages/1947%20un%20partition%20plan.aspx> (last visited Oct. 21, 2016).

concluded with Egypt<sup>43</sup> and Jordan,<sup>44</sup> and also because of the “Oslo” interim agreements of 1993 and 1995 between Israel and the PA.<sup>45</sup> In addition, Israel withdrew unilaterally from Gaza Strip.

The fact pattern of the two simulations described above share many similar aspects and dilemmas with the real conflict between Israel and the Palestinians:

- ❖ An ongoing dispute exists between Israel and its neighbors regarding the **legality of its possession of certain territories** according to PIL.
- ❖ This, in turn, leads to a discussion on the legal ways for **territory acquisition** according to PIL rules, and its implications regarding the regional dispute discussed.
- ❖ Since Israel acquired the territories under dispute during war, and war incidents continue to take place in the region from time to time, questions regarding the **law of war, refugees and immigration** as well as **human rights** issues are involved in this dispute.
- ❖ Naturally, both parties have **strong feelings of national identity** regarding the issues at stake.
- ❖ After the “Arab Spring,” many countries in the region experienced **internal civilian wars** like the one described in the case. Even the Palestinian people are now under two leaderships: El Fatah and the Hamas. Israel’s population is internally riven as well in regard to its policies on Judea and Samaria.
- ❖ Israel invested a fortune to develop the occupied territories; consequently, their economic value increased substantially. On the other hand, the PA expects to reap the benefits of these territories once it acquires them. Any discussion about Israel’s withdrawal from these territories thus involves **economic interests**.
- ❖ In the absence of a diplomatic solution, the dispute imposes **constant security risks** to the civilians of the parties involved.
- ❖ Security and economic actions taken by Israel and the PA also carry implications for the **environment**. One such implication is the provision for water allocation from the Jordan River included in the peace agreement between Jordan and Israel.

### *3.5 Diversion of the Scenarios from the Middle East Reality*

While the resemblance of patterns of the role-plays and reality are a key factor to their success, the tensions and possible obstacles in implementing the role-plays should not be overlooked. In reality, the debate over sovereignty in the occupied territories, as well as over minorities’ equal rights in Israel, is

43. See Peace Treaty between Israel and Egypt, Egypt-Isr., Mar. 26, 1979, <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/israel-egypt%20peace%20treaty.aspx>.

44. See Peace Treaty between Israel and Jordan, Isr.-Jordan, Oct. 26, 1994, <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/israel-jordan%20peace%20treaty.aspx>.

45. See Israel-Palestine Liberation Organization: Declaration of Principles on Interim Self-Government Arrangements [“Oslo I” agreement], Sept. 13, 1993, 32 I.L.M. 1525 (1993). *Also see* Israel-Palestine Liberation Organization: Interim Agreement on the West Bank and the Gaza Strip [“Oslo II” agreement], Sept. 28, 1995, 36 I.L.M. 551 (1997).

bitter. To that extent, understanding the interests in this conflict, represented by the different groups of playing students, is essential:

- ❖ Jews form the majority of Israel's population, and are the hegemony as well as the governing ethnic group. There is thus a constant tension between Jews and all other minority groups, who claim that the Jewish government does not fully respect their right for equality in all civilian matters (e.g., land, construction and development, budgets). At the other side, many Israeli Jews often justify the preference of Jewish interests over those of minority groups by referring to the definition of Israel in its Declaration of Independence as a "Jewish and democratic" state<sup>46</sup> ("Jewish" being paramount to "democratic"). Students who hold this view legitimize an inherent bias against non-Jewish citizens. However, non-Jewish students, as well as other Jewish students, view the "democratic" portion of this definition as an obligation of the State to equal treatment for all sectors. This view is supported by another phrase in the Declaration, which articulates the State's responsibility for all its inhabitants, without discrimination. Such debate often arises in class, and is not directly addressed in the role-plays.
- ❖ Another source for potential conflict in class may occur among Israeli Jews themselves, who are in constant controversy over the political solution to the Israeli-Palestinian conflict. Some support further use of force to end the conflict and object to any further withdrawal from land, while others believe that only such withdrawal, accompanied by a peace agreement with the Palestinian Authority, can solve the conflict. The most recent Israeli elections, in 2014, revealed that the hopeful group of citizens who wish for the government to persevere and strive for a mutually accepted agreement to the conflict is smaller than the group that feels threatened and prefers that the government strengthen the use force in deterring the Palestinians. The divide between these two groups certainly exists in class but, obviously, no use of force is allowed in class, and the scenarios are directed toward negotiating agreements. Nevertheless, verbal controversies on this issue may occur—and have occurred—in ZAC classes, although not in the role-play context.
- ❖ Army service in Israel is mandatory, although several minority groups are excused from it. It is only natural that 18-year-olds are emotionally affected by such experience, especially if they are exposed to the perils of a war zone. As all Israeli wars have been against Arab entities, Jewish students who served in the army may turn feelings of frustration acquired during their army service toward Arab students. Arab students, on the other hand, who might have adversely been affected by the army, may turn their frustration against the Jewish students. For several young students, the first year of law school is the first encounter with members of the other group. Suspicion and resentment may affect their reaction to players from the other group and toward some of the topics discussed in the course. Fortunately, a study conducted at ZAC in 2010 reveals that

46. The State of Israel's Declaration of Independence, 1948. Although this document does not have a formal legal standing, it is regarded as the statement by which many laws are interpreted.

throughout the years of their studies, shoulder to shoulder, students form friendly relationships and a more cooperative approach grows between Arabs and Jews.<sup>47</sup>

- ❖ Another field of conflict may occur between two groups of Arab minorities: Druze, who are culturally closer to Palestinians but nevertheless serve in the Israeli army, and Israeli Arabs, who are generally exempted from such service. All Arab Israelis (Druze, Christian, and Muslim) are considered Israeli citizens and are expected to be loyal to Israel. However, many Muslims and Christians come from families historically divided by wars in the region, so that their relatives are not Israeli citizens and are living in the territories under Palestinian authority. Many of them naturally empathize with the Palestinian narrative. As for many of our Druze students who served in the army, their sentiments often favor the Israeli narrative. For some Druze students who have family living in Syria, there is also an effect on the personal narratives in class and on their preferences in the role-plays.

### *3.6 Observations of Participants' Actions and Attitudes as They Role-Play in a Multicultural Environment*

During the negotiations, the instructors walked around the room observing the participants and taking notes. Occasionally, the instructors contributed a comment or advice to the parties, but this was done on an anecdotal basis, and the participants were generally independent in constructing and conducting their negotiations. By the end of the allotted time, a general feedback session was led by the instructors and participants were invited to share their insights. The participants also reported post-exercise on their experience, some in writing and some by direct conversations with the instructors. These discussions, reports, and observations, accumulated by the authors over the past six years, produced the following findings.

#### *Sitting arrangements*

The role-plays took place in a large space at ZAC. In the four corners of this space four groups, negotiating simultaneously, were positioned. Each group included teams representing the different parties to the dispute. From the beginning of the negotiation, the different choice of sitting arrangement made by each group reflected its particular approach to the negotiations. Some of the groups arranged their sitting in a manner common in international negotiations: along the two sides of a long table. Others chose to sit in a circle of chairs, trying to ease nonverbal communication and reduce the tension between the two conflicting parties by creating a more informal atmosphere.

#### *Use of symbols*

Most groups used symbolism to communicate a message.<sup>48</sup> Some of the groups chose to emphasize the differences between the parties, by using identity

47. Efron & Silverstein, *supra* note 4.

48. See MICHELLE LEBARON, *Transforming Cultural Conflict in an Age of Complexity*, in BERGHOF

symbols (e.g., putting the flags of conflicting parties on the table). Other groups chose to use identity symbols that are more informal (e.g., national foods offered to all participants), emphasizing the different nationalities on the one hand, but at the same time forming a positive, icebreaking gesture toward the other party. Some groups, however, did not use any such symbols.

### *Group leadership*

Intragroup tensions were observed in many groups. The governance of each group reflected a choice between a democratic regime, in which all participants have an equal say, and a hierarchic leadership by the group leader. The choice between these two models of functioning was at least partly culture-dependent.<sup>49</sup> Moreover, when the group leader (nominated by instructors) was Arab, some Jewish group members found it difficult to accept this newly attained hierarchy and to obey the leader's instructions and decisions.<sup>50</sup>

### *Active (verbal) participation in the direct negotiations*

One element observed during the role-play was the timidity of certain students to verbally engage in the direct negotiations. These students, as a generalization, belong to a defined group—young Arab women.<sup>51</sup> This phenomenon is also observed in other ZAC classes, where these students may engage in excellent individual work but abstain from public expression.<sup>52</sup> Since

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HANDBOOK FOR CONFLICT TRANSFORMATION 2 (2001), [http://edoc.vifapol.de/opus/volltexte/2011/2578/pdf/lebaron\\_hb.pdf](http://edoc.vifapol.de/opus/volltexte/2011/2578/pdf/lebaron_hb.pdf) (citing an experiment in which a shared customary meal proved to promote conflict transformation); Lisa Schirch, *Exploring the Role of Ritual in Conflict Transformation* (1997) (unpublished Ph.D. dissertation, George Mason University).

49. See FONS TROMPENAARS & CHARLES HAMPDEN TURNER, *RIDING THE WAVES OF CULTURE: UNDERSTANDING CULTURAL DIVERSITY IN GLOBAL BUSINESS* 51-69 (1998) (making a distinction between Individualist and Collectivist cultures that affect decision-making processes).
50. Research addressing the effect of being a group leader belonging to a minority group with regard to gender showed no automatic withdrawn behavior particularly when the individual was viewed as possessing relative expertise on the group's task. ROBERT KREITNER, ANGELO KINICKI & NINA COLE, *FUNDAMENTALS OF ORGANIZATIONAL BEHAVIOR* 154 (2007). Commentators stress that selecting a leader who is culturally attractive to both parties may be a benefit: RUSSELL B. SUNSHINE, *NEGOTIATING FOR INTERNATIONAL DEVELOPMENT: A PRACTITIONER'S HANDBOOK* 214 (1990).
51. Arab women form a minority within a minority: Tamar Shapira, *Blocking and Empowerment in the Educational and Public Spheres: Women in the Arab Education System in Israel V* (2006) (unpublished Ph.D. dissertation, Haifa University Israel) (on file with author) (Isr.). <http://in.bgu.ac.il/icqm/DocLib1/%D7%AA%D7%9E%D7%A8%D7%A9%D7%A4%D7%99%D7%A8%D7%90.pdf>.

In this group, young women may feel unconfident even in comparison to elder, more experienced or professionally recognized Arab women. This fact, added to cultural direct and indirect messages Arab women get from their community, may explain their behavior, at least partly. *See id.* at VII-XII.

52. This phenomenon is discussed in section 4.1.5. in Yael Efron, *The Pentalectic Sphere as Means*



the verbal part of the role-play takes place after intensive written preparations in which these individuals perform satisfactorily, instructors suppose that their abstention from active participation at the oral, direct stage reflects cultural drawbacks.<sup>53</sup>

#### *Diverse solutions to a similar dilemma*

The solutions offered by participants to the role-played disputes reflect the added value of their legal education. Thus, for example, in both role-plays security arrangements in the disputed territory were considered. Such arrangements took into account the difference between holding responsibility to security arrangements as opposed to actually applying them on the ground. Options of using third-party, objective forces to fill at least part of security functions were examined. This resembles the use of UNIFIL and EU forces in the Middle East.

All solutions used references to international agreements or to existing or potential PIL regulations. However, even though the legal instruments available to all participants were identical, different groups reached different solutions to the same dispute. This important fact was emphasized by the instructors as one of the main lessons from this exercise: in a role-play—as in real life—there is never only one possible solution. The unique balance of interests consensually achieved by the parties to a dispute is what forms a viable solution. The varied solutions achieved reflect legal pluralism as well as creativity, which is so important to any negotiation. The agreement further draws from the different combinations of personalities in each group and from the cultural, social, and emotional background of each member, which affects preferences and priorities.

#### *Role of Empathy*

Participants of the role-plays testified that the role-plays affected them in two major aspects. On the one hand, the difference of substantial facts presented by the role-plays in comparison with the real-life facts known to the participants affected their attitudes. It facilitated the development of a more objective, critical, and pragmatic approach to the necessary solution, more than they experienced in their daily lives. Thus, for example, particularly in “Little Golano,” Jewish and Arab students were able to easily give up a strict territorial approach in favor of pragmatic compromises of the kind specified hereafter. On the other hand, the personal experience accumulated in their daily lives allowed for the development of empathy and a sense of identification with the “other” parties in the role-play. In “Little Golano,” Arab students testified that they easily identified with the Mexican people who insisted on

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for *Questioning Legal Education—Towards a Paradigm Shift*, 9 ARIZ. SUMMIT L. REV. (forthcoming), <https://ssrn.com/abstract=2611119>, and in Efron & Silverstein, *supra* note 4, at 361-62.

53. *Id.*

getting their land back. This was reported even by Arab students assigned to the group representing the United States. In the same manner, some Jewish students identified more with the United States' frustration, having to give up a territory they had developed for a long time. This held true even when these students were assigned to the Mexican group. This empathy with the other party helped them to understand the depth of the dilemmas involved and strive for their constructive solution.<sup>54</sup>

#### **Section 4: Insights Gained from the Use of These Role-Plays**

The authors conducted role-plays in ZAC for six successive years, with an approximate total of some 300 aggregated participants. All presented consistent insights, which are worthy of sharing and discussion. Despite the differences between the two role-plays, which are relevant in terms of PIL teaching, participants' feedback to both demonstrated no difference regarding their didactic experience. These insights relate to the teaching of the specific subject matter, as well as to the challenge of teaching it in a multicultural setting.

##### *4.1 The didactic value of the role-plays*

The role-plays described lent many didactic benefits to their participants. They allowed participants to put into practice the legal rules and precedents learned theoretically. First, the students engaged in the legal research with a tangible incentive in mind—to create a sound and solid legal brief to assist their case. Then, the direct negotiations exposed them to the complexities of negotiating with other interest groups, who assigned contradicting meanings to the same international regulation, or advocated for the use of alternative norms. Thus, for example, in the “Little Golano” case, the basic norm of respecting an international agreement is challenged by other norms and interests. In “Flashpoint,” the limits of domestic sovereignty are put into question in light of their conflict with other norms and values, such as international policy with regard to chemical weapons, environmental policy and the risk to human life.

The need to become familiar with those norms served as a didactic incentive to revisit and summarize the course materials. Finally, in terms of PIL, through these exercises students experienced the value and effectiveness of international agreements, compared with other alternative methods of resolving a conflict. Thus, for example, in the case of “Little Golano,” most of the negotiating groups preferred to divert from the strict terms of the international agreement concluded by the parties ninety-nine years ago. Instead, all opted in favor of a pragmatic compromise that would better serve current economic and political interests of both parties.

54. For the importance of emotional intelligence in the training and practice of lawyers, see Riskin, *supra* note 21, at 17.

In one case, a group playing “Little Golano” decided that most of the territory under dispute should return to Mexico. The conflicted territory was thus substantially reduced to include only the town of Golano Falls. This decision facilitated concentration on the heart of the dispute and examination of arrangements based on analysis of interests and prioritization. In a sense, this approach resembles the approach taken by the interim “Oslo Accords,” in which the disputed territories between Israel and PA were graded according to three priority categories: A, B, and C, implying different approaches applied to each.

In terms of *negotiation dynamics*, through these exercises students experienced the effect of different interest groups and political pressures on the final outcome of international negotiations. Such negotiations usually involve directly articulated interests, but also hidden interests, of which the parties may not always be aware.<sup>55</sup> Thus, for example, in “Little Golano,” the economic interests of both parties must be taken into account, as well as strong feelings of national pride. In “Flashpoint,” a regional dispute between two neighboring countries is expanded to include additional international players, representing broader interests.

The parties have to act sensibly to expose such interests, in order to take them into consideration.<sup>56</sup> Thus, the parties must carefully plan their strategies and tactics, and decide at which point each of the relevant arguments should be brought up (if at all). They had to further decide the limits of compromise they were willing to agree to and then test their assumptions pragmatically, in the role-play, to achieve the optimal outcome for the interest party they represented. These decisions require good command of the researched material and a positive attitude toward utilizing it.

Finally, with regard to the *appropriate approach to dispute resolution through international agreements*, the exercise offered students an opportunity to examine the effectiveness of a rule-oriented approach compared with an interest-based approach, based on agreed compromise and collaboration.<sup>57</sup> It illustrated the importance of negotiating with a pragmatic win-win approach to dispute resolution, and its advantage over a win-lose approach, to ensure long-term sustainability of the solution decided. Thus, for example, in “Little Golano,” some of the “Mexican” groups were willing to give up their strict right for the land in favor of some compromise. Often, the compromise opted for collaboration between the conflicting parties, striving for positive synergy and exhaustion of their comparative advantages, to their mutual benefit. For example, in the “Little Golano” case, one of the groups decided to exercise such cooperation in running the seaweed plant. They agreed that the United States should be responsible for the financial investment and development,

55. ROGER FISHER & WILLIAM URY, *GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN* 45 (2011).

56. LEIGH L. THOMPSON, *THE MIND AND HEART OF THE NEGOTIATOR* 77-79 (5th ed. 2011).

57. FISHER & URY, *supra* note 55, at 42-57.

while Mexico should supply the employees. In “Flashpoint,” a joint committee of Syrians, Turks and EU experts was formed in several groups to assess the damage of the explosion and its consequences.

In the same spirit, one of the groups in the “Little Golano” case offered that the disputed territory would be formally returned to Mexico (to restore its national pride), while the United States would then lease this territory from Mexico to continue its economic development. A similar solution was considered in the Middle East context. Instructors’ impression was that the willingness to opt for such a solution was affected, by and large, by the strength of negotiators’ feelings toward the land. Interestingly, these were particularly strong for negotiators originating in rural (as opposed to urban) societies.

#### *4.2 Bringing Theory to Life*

It was only in the debrief portion of the game that, for the first time, the instructors drew the students’ attention to the resemblance of dilemmas introduced by the imaginary plot of the role-play and the real-life conflict they experience. This analogy opened the door for exploring the extent to which the lessons learned in the role-play might facilitate a dialogue, leading to a constructive solution in that real conflict:

##### *(1) Diverse solutions to a similar dilemma*

In the debrief, the students were exposed, for the first time, to presentation of the different solutions to the imaginary conflict achieved by the other groups. This presentation stimulated a discussion on the different solutions that might take place in the real, Israeli-Palestinian conflict. Inspired by “Little Golano,” for example, the students were ready to suggest and consider options such as Israeli long-term lease of territories transferred to Palestinian sovereignty under a peace agreement, or the use of international forces to guard the places deemed holy to all religions, which might be declared extraterritorial but be openly accessed by all parties.

##### *(2) Role of Empathy*

As the students described their ability to empathize with the other party to the imaginary conflict, the instructors asked them whether they may transfer this empathy to the circumstances of real conflict. While some of the students admitted difficulty in doing so, others were ready to try, encouraged by the positive pragmatic results obtained at the role-play. In the debrief, some of them were able to use this newly evoked empathy to move the discussion toward the analysis of pragmatic solutions to the real conflict at stake.

##### *(3) Logical analysis informed by emotions*

In real conflicts emotions have a way of clouding our logic, creating difficulty for rational analysis.<sup>58</sup> It seems that the positive atmosphere created

58. See BERNARD S. MAYER, *THE CONFLICT PARADOX: SEVEN DILEMMAS AT THE CORE OF DISPUTES*

by the detachment of dilemmas from real life in the role-plays enabled a constructive, well-established, logical analysis through the entire exercise. In all classes where the role-play was conducted there was never the slightest incident of “explosion,” verbal or physical. This is despite the infusion of emotional components into the scenario. In this sense, the role-plays proved that emotions and logic do not exclude one another and, by composed and thoughtful analysis, emotions can be addressed in a civilized manner, and even contribute to constructive solutions.<sup>59</sup>

*(4) Contribution to development of skills required in legal practice*

From the students’ reactions to the role-plays we learn that the participants highly appreciated this unique experience and were satisfied with its contribution to their professional skills. The participants—first-year students—appreciated that the role-play required them to prepare, just as in real law practice. It forced them to think carefully how to implement theories and case law taught through the entire PIL course in order to advocate their positions. It made them collaborate in teamwork with classmates and with more experienced students. Students said that they learned much from this interaction. It made them think about and exercise, for the first time, the building of a case strategy and tactics. This, in turn, necessitated their trying to assess what would be the positions held by the other party and what strategy and tactics the other party might take. The students expressed satisfaction that they had to speak in public. For some, it was their first attempt to do so. While some preferred to avoid this experience altogether (as mentioned before), others admitted that the enthusiastic discourse developed within the group made them forget their fears, thus releasing them and making it easier for them to speak.

All in all, the role-plays were a very efficient and effective didactic instrument to overcome some of the difficulties specified above in teaching PIL to classes with students from all parties to a real conflict. The reputation of the role-plays seems to have spread among the students, who anticipated it every year with enthusiasm, asking to adapt this form of teaching to other courses as well, which we did.

### **Section 5: Conclusion and Further Thoughts**

In pluralistic, multicultural classes, in which students experience ongoing international political disputes, teaching PIL classes is challenging. We frequently find that a skeptical approach is expressed toward the effectiveness of PIL norms, their relevance to modern reality and their ability to resolve conflicts. Moreover, any discussion in such classes about sensitive political issues has volatile potential and is thus often avoided.

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167-200 (2015).

59. *Id.* at 176-80.

Our experience with the described role-plays confirmed our primary assumption. The imaginary scenarios, presented to them through such exercises, succeeded in detaching students from the real disputes experienced by them and fostered many benefits. The use of role-plays defused potentially “explosive” emotional reaction. It allowed students to explore the roots of the conflict in a more objective and rational manner. The role-plays introduced in our PIL classes encouraged the development of constructive solutions based on a collaborative approach and a convergence of interests. The positive experience reported by the participants affirmed the studies that show role-plays’ ability to instill a favoring attitude toward the subject matter learned.

It is our observation that the prenegotiation legal research, the oral argumentation during the negotiation and the construction of the agreed solution all demonstrated good retention of the material learned in class. However, this study did not follow up the significance of these role-plays in retaining the material over a longer period of time. As all PIL course students participated in the exercise, we were unable to evaluate the contribution of the role-plays to the students’ performance in the final exam of the course. It is perhaps worthy of a follow-up study.

Bearing in mind that in ZAC students from different cultural groups do not have many opportunities to interact directly during lecture time, and that they tend to interact mostly within their cultural group during break time, these exercises offered them a chance for interaction. One clear benefit of these role-plays is that they exposed participants to an intercultural arena, sharpening their cultural sensitivity and developing their cultural literacy. This experience might have also raised their awareness to the great impact that cultural differences may have in negotiations.

However, role-playing is not a magic wand and is not free of flaws. Its negligible significance in learning when compared with other means of teaching,<sup>60</sup> makes it an expensive didactic tool in terms of class time. In ZAC, the legal preparation for the role-plays took two to three weeks before they were enacted in class. In order to provide meaningful feedback for participants, several instructors accompanied the negotiation and feedback phases. This added costs on ZAC, which operates under tight budgetary constraints. The exercise was also space-consuming. A bigger space than the usual class had to be assigned for the playing session. As a result of these difficulties, in ZAC terms it could take place only once in a course.

Also, from time to time, “free riders” were observed, pretending to actively participate, but actually not contributing to the preparations or negotiations. It was quite difficult to trace these students and give them lower grades since preparation for the game was a group effort. Understanding that some of them may have refrained from class participation due to cultural reasons reinforced this practice. In turn, the risk of untraced free riding invoked the question of

60. Druckman & Ebner, *supra* note 23.

whether and how the students should be evaluated and accredited for their participation in this exercise.

Some of the students were assigned to groups representing a pseudo-reality opposite to their own, thus being enabled to experience the other side's feelings and dilemmas. However, the wish to ensure heterogeneous composition of the negotiating groups led other students to be assigned to groups resembling to their own side of the conflict, thus depriving them of the chance to experience the other side. Although our experience was very positive in that respect, the risk of cultural discomfort for certain groups<sup>61</sup> makes this a risky pedagogy in heterogeneous classes.

Therefore, the use of role-plays as a means of bringing theory to life must be carefully constructed. Scholars have offered plenty of useful advice on how to make better use of them. The use of props to reinforce the "pseudo-reality" helps in narrowing the gap between identification with the storyline and emotionally detaching from it.<sup>62</sup> Some suggest assigning the students the task to design the role-play scenario.<sup>63</sup> This was not done in ZAC, and is worthy of further exploration. Other scholars draw attention to the risks and point out benefits of different experiential exercises that do not involve taking on the role of others.<sup>64</sup>

Both role-plays described in this paper are freely available online with detailed teaching notes. The authors wish to invite our fellow PIL educators to use these role-plays and experience their advantages as well as their challenges. Have the role-plays indeed enhanced students' positive attitude toward the subject matter? Have they assisted them in putting theory into practice and summing up the theoretical concepts learned in class? Have they fostered empathy, collaborative problem-solving and creativity among diverse groups? Would different insights be gained if such role-plays were practiced with more culturally homogeneous groups? Or with groups that do not include members from two sides of an ongoing PIL conflict? Such insights are worthy of comparison in order to further perfect the use of this didactic method. So, please, play along.

61. Alexander & LeBaron, *supra* note 29.

62. Ebner & Efron, *supra* note 35.

63. Druckman & Ebner, *supra* note 23.

64. Alexander & LeBaron, *supra* note 29.