

QUESTIONNAIRE FOR STUDENTS RETURNING FROM SEMESTER STUDY ABROAD

FIPSE-CAPES U.S.-BRAZIL EXCHANGE
PROGRAM
CONSORTIUM ON ENVIRONMENTAL
RESPONSIBILITY
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Please complete the following with short answers, using this as an opportunity to reflect on your exchange experience. Please feel free to expand upon any question or to add comments regarding your language skills and development, any disjunction between your expectations and the realities you encountered, lessons learned, and the impact of your exchange experience on your studies and career options.

1. LANGUAGE

How did you learn Portuguese before your classes began?

I spoke Spanish with near-native fluency. I then took two semesters of Portuguese for Spanish Speakers at the University of Texas. I then took a week of intensive Portuguese in Rio de Janeiro. I then lived and worked in Brazil for three months before classes started.

Was this level of preparation sufficient for participating in your courses in Brazil?

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Yes, it was sufficient, although there were still some professors that would have been difficult to understand in class. I chose not to take their classes.

How comfortable were you with your language abilities in:
lectures

Very comfortable.

class discussions

Very comfortable.

research

Very comfortable.

written assignments

More work was required, but still very comfortable.

interactions with other students and faculty?

Very comfortable.

How did you improve your language skills in the course of your semester study abroad? Was this adequate for the work you needed to perform?

As stated, I took a week of intensive Portuguese courses upon arrival in Brazil. The main way I improved my Portuguese was through daily interaction with Brazilians in a wide variety of situations, academic, social, and at work.

What would you recommend for other U.S. students in the future regarding development of necessary skills in Portuguese language?

Spanish is not enough. You must be able to understand spoken Portuguese very well in order to follow lectures. A couple of weeks of Portuguese courses is also not enough. Law is complicated and it requires very strong language skills. If you speak Spanish, take some Portuguese or get a tutor before leaving the U.S., and then spend at least four weeks in Brazil before classes start, preferably taking intensive language classes. Don't expect to step off the plane in Porto Alegre and be able to go right into classes, unless your Portuguese is already very good.

Do you expect to continue using Portuguese after you return to school in the U.S. and in later life? How?

Yes. I'm currently taking a Portuguese phonetics class and doing research in Portuguese for my thesis. I plan on eventually working in an inter-American legal environment.

1. COURSES

List the titles of the courses you took and the number of credit hours, and attach course descriptions if available.

- Direito Comparado – 2 credit hours.

DIR02006. Objeto e método do Direito Comparado. Os grandes sistemas do direito contemporâneo. Análise das principais influências no direito brasileiro e de sua configuração como sistema misto: produto do Direito das Ordenações, dos Direitos Francês, Alemão e Canônico.

- Linguagem Jurídica – 2 credit hours.

DIR03011. Conflito entre o uso vulgar e o técnico de termos. Adequação e utilização de termos em sentido técnico e vulgar. Níveis de linguagem. Metalinguagens jurídicas. Semiótica Jurídica. Relações semânticas e lingüísticas nos vários planos da linguagem jurídica. Importação de institutos jurídicos, conformação e adaptação de termos. Principais termos técnicos, expressões e adágios latinos.

- Política e Teoria do Estado – 4 credit hours.

DIR03007. Teoria Política do Estado: funções e poderes do Estado; a divisão do poder ao longo da história; os sistemas de governos; as formas de governo; as formas de Estado. Teoria teleológica do Estado: filosofias políticas; finalidades do Estado; os direitos fundamentais; os regimes de governo (democracia, autoritarismo e totalitarismo); sistemas eleitorais. Sistemas partidários. Teoria Justificativa do Estado. Doutrinas Teológicas. O Contratualismo. Doutrinas da dominação. Concepção da formação natural. Teoria Jurídica do Estado. O Estado e o Direito. Relações entre o sócio-econômico, o político e o jurídico. O Estado de Direito. A institucionalização do poder.

- Direito das Relações Internacionais – 4 credit hours.

DIR03016. A sociedade internacional. Os sujeitos da ordem jurídica internacional. Diplomacia e política externa. Problemas internacionais contemporâneos. Organizações internacionais. Organismos internacionais especializados. O direito dos Tratados.

- Direito Internacional Privado I – 2 credit hours.

DIR03312. Os denominados “conflitos de leis” no espaço. Conceito, objeto e taxonomia de direito internacional privado. Direito Internacional privado e direito das gentes; Direito Internacional privado e direito uniforme. Fundamento, fontes e método do Direito Internacional Privado. As normas jusprivatistas internacionais: estrutura, função e classificação. Os elementos de conexão. As qualificações.

- Direito Internacional Privado II – 2 credit hours.

DIR03325. Súmula não disponível.

- Direito Desportivo – 2 credit hours.

DIR02007. Direito Desportivo: importância, abrangência e autonomia. Direito material e processual desportivo. Respeito do Estado às ordens jurídicas menores. Princípios gerais do direito esportivo na Constituição da República Federativa do Brasil. Processo perante a justiça desportiva: procedimento, prazos e exigência de prévio esgotamento das instâncias da justiça desportiva para ajuizamento de ação perante a justiça comum (art. 217, parágrafo 1º e 2º da CF). Legislação desportiva infra-constitucional. Direito desportivo e direitos sociais.

Did you receive approval in advance from your home university for the courses you took in Brazil, or did you need to match existing courses at your home university? If so, were you able to make that match?

No, I did not receive approval in advance, and I did not need to match existing courses at my home university.

Were you able to take courses you wanted which were useful to you?
How was the decision made about which courses you would take in Brazil?

Yes, the courses I took were of my choosing and proved to be very useful. I made the decision on which courses to take based on four criteria:

- Professor Claudia's recommendations.
- Ability to understand the professor's spoken Portuguese.
- Quality and reputation of the professor.

- The subject-matter was of particular interest to me.

Describe the major differences you encountered in the methods of teaching and learning in your courses in Brazil compared with your courses in the U.S.

The following is a section out of the guide, which answers this question directly:

Study habits at the UFRGS Law School (and, for that matter, at Brazilian law schools in general), parallel undergraduate study habits in the U.S. much more closely than they parallel U.S. law-school study habits. Law school in Brazil is, after all, an undergraduate degree program.

Thus, law students in Brazil go to class to learn, and not (in most cases) to clarify what they've already learned in the readings or to think about new and anomalous applications of what was in the reading. There will often be some sort of reading accompanying each day's lecture, in the form of an article the professor wrote in a law review, or a chapter from a general book on, say, Conflict of Laws; these readings, however, are usually not totally on-point and are thus only partially enlightening. There is never a casebook or an accompanying textbook *per se*; the closest thing to a text I had was a series of small books written by Professor Cezar Saldanha that pretty closely corresponded with what he taught in class.

Furthermore, you usually don't know what to read until the day that subject is discussed, so any reading that you do takes place *after* the class discussion. One obvious implication is that you're not likely to know enough about the subject on the day it's discussed in class to ask informed questions or make informed comments. Indeed, classes in Brazilian law school, again like U.S. undergraduate, are lecture-intensive and almost completely non-Socratic; students have the habit of making very few comments and asking very few questions. Nevertheless, most professors do not frown upon student questions and comments. I, with my U.S. law-school Socratic conditioning, couldn't help but ask at least one "but what if such and such were to happen?" question per day.

The sad truth is that most students probably don't read anything at all until two days before the test. Sometimes the readings are superfluous, and test questions almost never expect you to draw completely on a particular reading.

How will the course work from your semester abroad relate to your studies when you return? Are you changing direction based on your exchange experience in your area of specialization or in new interests?

I was already oriented toward international and comparative law before I went to Brazil. UFRGS offered me the opportunity to deepen my understanding of those areas, and I thus return to the UT Law School much more competent in my particular areas of interest than when I left.

Evaluate your level of comprehension of the legal, social and cultural values and approaches in Brazil after your semester study. How deeply do you think you were able to understand other legal and political systems and specific concepts? Give examples, including misunderstandings and efforts to clarify.

Thanks to undergraduate study-abroad semesters and internships in Spanish America, as well as numerous classes at UT and the University of Kentucky on Latin American issues, I had already had considerable exposure to Latin American culture and politics before I went to Brazil. My learning process was thus one of adapting what I had already learned to a slightly different scenario, through comparing and contrasting the way Brazil does things to the way Mexico, Guatemala, or Uruguay does things. Social interaction was largely the same as I had been used to: hugs and kisses instead of handshakes, less personal space, and much more casual conversation than would be common in a U.S. environment.

I found that Brazil seems much more politically organized than the rest of Latin America, even Mexico. I also discovered that Brazilians are, in general, friendlier and more receptive people, and although they might disagree with U.S. foreign policy, they never judged me based on their opinion of the U.S. government. At times in Mexico I have felt discrimination based on my status as a U.S. citizen.

It was not extremely difficult to adapt to the Brazilian way of thinking and doing things. I think I left Brazil with a relatively good understanding of how the legal system works, considering that I was only there for a few months.

2. INTEGRATION INTO UNIVERSITY LIFE

Were you satisfied with the level of integration into the university you achieved? Why or why not?

I couldn't have been more satisfied with the level of integration I achieved. I participated alongside Brazilian students in everything I did. I was given no special treatment, which is the way I wanted it. I made comments in class, in Portuguese, and I wrote papers and took tests in Portuguese. The students and professors were very welcoming to me. Professor Claudia called upon me to do non-class-related research for her. Professor Cezar Saldanha did the same, and he invited me to lunch on numerous occasions to discuss life, law, and politics. This relationship with Professor Cezar will continue into the foreseeable future, as I am currently helping him with two translation projects.

My level of integration was so complete that I consider UFRGS “my” law school, alongside UT. For example, the other day I was talking to some friends in Austin. Felipe, a friend of mine from UFRGS who just started his LL.M. program at UT, was present. Every time her or I mentioned UFRGS, we referred to it as “nossa faculdade.”

By the time I left UFRGS I knew a great many of the people I passed in the halls by name, many more than I know at UT.

What did you do to become part of the school?

In addition to attending and participating in class, I participated in various extracurricular activities: Professor Claudia’s research group, projects for Professor Cezar, law conferences in São Paulo and Gramado, and helping prepare UFRGSMUN. Additionally, most of my friends were UFRGS law students, and most of my social activities thus included people from the law school.

What efforts were made by other students or faculty to welcome you into the university? Was there any formal orientation?

There was no *formal* orientation, but there was a more-than-ample orientation nonetheless. Professor Claudia assigned various students to be my *orientadores*, and they showed me around the school and Porto Alegre, explained how classes work, helped me find a place to live, and took me to social events. Every week in Professor Claudia’s research group, she would spend some time talking about the things that I personally needed (e.g., to get a social-security number, or some sort of certificate from the Registrar’s Office), or that the exchange program needed, and often – especially in the early months – assigned someone to help me. Professor Cezar Saldanha took me out to lunch in the second week I was in Porto Alegre.

Describe the differences in the types or levels of student activities available at the Brazilian university and your home university.

UFRGS has an abundance of student activities, perhaps not as many and as varied as those available at UT, but there were plenty of things to do nonetheless. UFRGS’s clinical program, for example, is not as extensive as UT’s. There are no classes that accompany the clinics. Clinical work is restricted mainly to the Serviço de Assessoria Jurídica Universitária (SAJU). UFRGS has moot court as well, but moot court competitions in Brazil are not as frequent as they are in the U.S. I was able to do two internships in Brazil, at the Environmental Support Center and at the Secretariat for Human Rights in Brasilia, that were unique opportunities that I would not have had in Austin. The opportunities to do internships through UFRGS are abundant; it’s just a matter of finding

out what's available. UFRGS also has UFRGSMUN, the Model UN, which UT does not have; although I'm not going to be there in October when UFRGS actually takes place, it seems like an interesting activity.

What did you learn about being a student in Brazil that you might want to find at your home university?

The environment at UFRGS is a lot more cohesive than at UT. Students are younger, and seem to be friends with each other a lot more. Additionally, the often stifling environment of competitiveness at UT Law School is absent at UFRGS, due in part to the absence in the latter institution of a grading curve. I enjoyed immensely the gregariousness of the student body, and wish UT could be a little more like that.

3. LIVING ARRANGEMENTS

Were you generally content with your housing, meals and transportation? Any suggested improvements?

I was content with my housing, five minutes from the law school, until I discovered that the apartment manager was either very lackadaisical about calculating the bills, or was out to screw me. It turns out that my electric meter included the little house on the roof, which was an extension of my neighbor's apartment; my neighbor was either one of the owners of the building or a long-time resident. The apartment manager simply divided the electricity bill in half, and I ended up paying more than was my share. She also fudged the phone bill so that it was difficult to tell how much I should actually pay. I resolved most of these problems (usually by arguing with her), but it was still annoying; I would prefer it if my bills were accurately and fairly calculated the first time around.

Otherwise, it was a good place to live, furnished, with maid service every day, and an in-house laundry service.

Meals were great. I adored the food in Brazil.

Transportation in Porto Alegre is also very good, and very cheap for a student. No complaints there.

Was the \$4000 stipend awarded through the FIPSE funds sufficient for your airfare and living expenses in Brazil while you were in classes?

It probably was enough to pay for airfare, rent, bills, transportation, all school-related expenses, most food (groceries, eating lunch on campus, occasionally

eating out in a restaurant). It may not have been enough to cover excursions, social activities, or school-related travel (such as to Brasilia or São Paulo).

4. OTHER

Upon reflection, what ideas may have the greatest impact on you from your experiences as an exchange student in Brazil?

When I would tell people that I was doing an exchange program in law, the automatic response would almost always be: “but aren’t the laws totally different?” My usual response would be: “that’s the idea. It would be boring to come to Brazil to study chemistry if it’s exactly the same thing I could learn in the U.S. You study abroad to learn things you can’t learn at home.”

Another thing that I learned from my Brazil experience is that, in essence, the legal systems are not that much different. Sure, the law itself is organized and worded differently, but in a broader sense law in Brazil seeks to achieve the same goals as law in the U.S. The theoretical and ideological underpinnings of both legal systems are largely identical. We have the same ideas regarding, for example, substantive criminal law. While criminal procedure is very different between the U.S. and Brazil (but really not all that different – both systems still have *non bis in idem*, *nullum crimen sine lege*, etc.), substantive criminal law is very similar.

So that was my major legal lesson: although the roads we choose to take to get there may differ, we’re all trying to reach the same destination.

The theme of our consortium is environmental responsibility, including issues of liability and damages for environmental harm, principles of international environmental law such as the polluter pays principle and the precautionary principle, and theories and sources of environmental law. How did your work reflect this theme, either in your courses, interactions with other students, or internship experiences? Give an example of how your understanding of this theme developed through your work in Brazil, and if you have any plans to continue studying or writing about this theme after you return to the U.S.

During my time in Brazil I did two activities related to environmental law: I worked at the Operational Support Center for the Environment at the Ministério Público, and I worked at the International Environmental Law Conference in São Paulo. Both were very practical experiences. I took no classes on environmental law, and thus did not have the opportunity to do much theoretical thinking about the subject.

At the Operational Support Center, we did research for environmental prosecutors throughout the state and sent them photocopies of doctrine and laws, along with our comments. I became familiar with some of the more important Brazilian laws on the environment, including the constitutional provision guaranteeing the right to a healthful environment, and some of Brazil's leading environmental jurists, including Antônio Hermann Benjamin.

I don't have any concrete plans to continue working with environmental law, but I'm sure that in the future I will work with it in some way, especially at the international level.

What do you plan to do in the coming years academically and professionally?

Good question, to which I don't have a definite answer. Next year I would like to clerk for a judge. Following that experience, I would like to do an LL.M. in international law, and then perhaps work for an international organization.

Has your thinking changed as a result of your semester study abroad? How?

The Brazilian style of teaching and learning law is very theoretical. My experience at UFRGS has made me think much more theoretically about, for example, why we in the Western World protect with such vigor the particular human rights that we do, and why, in places like the Middle East, their conception may be different.

On a personal level, I think I've become a more gregarious person, perhaps in imitation of my Brazilian friends and colleagues. The Brazilian friendliness is unequalled anywhere in the world.

Please feel free to add other comments or thoughts about your academic or personal growth through the exchange experience.

I was extremely fortunate to be able to participate in this exchange. Pace and UT have a superb partner in Professor Claudia Lima Marques and the UFRGS, and I will always be available to do whatever I can to foster the relationship between the schools.

In addition to my increased legal competence, I now consider myself reasonably fluent in Portuguese, which was one of my major goals in coming to UT for graduate studies.

Knowing Professor Cláudia Lima Marques, Professor Cezar Saldanha Souza Júnior, and the other professors will no doubt be an invaluable asset to me in the future.