Specific Application of Scaffolding Instruction in Law Courses

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\textbf{Abstract.} It is a beneficial attempt for us to use the scaffolding instruction based on constructivism theory during teaching basic legal courses in the curriculum of college general education. The specific practices are as follows: firstly, the teacher clarifies goals and teaching purpose, gives main concepts of law and builds the main body of law course content framework. Secondly, the teacher guides students to autonomously learn through theoretical teaching and case analysis, and then helps them to finish legal learning task independently. Class experiments show that scaffolding instruction is beneficial to help students to set up a system of legal knowledge, improve the ability of their understanding of the rule of law and their skills to analyze legal issues, stimulate their interests in law learning, and make a significant effect of teaching.

\textbf{Introduction}

Since the establishment of law courses, our group have tried many teaching methods and accumulated some effective experience. In recent years, the improvement of teaching quality of law has been promoted through the widespread use of case instruction, comparative instruction and mock trial instruction and so on, and got the affirmation of military economic academy. The course was rated as an excellent course in military economic academy and brought into the construction of excellent ones. To further quality, we think it is necessary to deepen on the study education theory, explore a new path to the legal teaching reform. Therefore, we try to be guided by constructivism theory and use the scaffold instruction to organize the teaching activities. The practice of recent years proves that this method has practical effect.

\textbf{Theoretical Basis of Scaffolding Instruction}

Scaffolding instruction is a new constructivism teaching model based on “the zone of proximal development” of Vygotsky. It means that the management of learning task should gradually transfer from teacher to student by holder or scaffold (the problem or situation set by teachers) and finally dismantle the scaffold. In the scaffolding instruction, teachers play the role of a guider, leader and helper. They are “scaffold” of students when students construct, master and internalize those skills which can make it engage in activities of higher cognition.[1] The scaffold, like an accessory in the construction industry, will gradually be removed after completion.

The theoretical basis of scaffolding instruction is constructivism learning theory. The theory emphasizes that the students are center and they are the subject of learning. The teacher in the whole teaching environment plays the role of organizer, who makes the management of learning task gradually transfer from teacher to student by setting the problem or situation (like setting up a holder in building) and students actively use various conditions to construct knowledge. In the process of law course teaching, the teacher uses scaffolding instruction, helps students build their own analysis mentality, construct the knowledge system of law, and promote them to form the ability of law analysis by the following steps such as constructing scaffolds, collaborating and investigating independently and removing the scaffold, etc.
There are several instruction methods in constructivism teaching mode: scaffolding instruction, anchored instruction and random access instruction. Scaffolding instruction mainly provides a conceptual framework to help learners understand what they have learned. The concept in this framework helps to develop learners’ ability to further understand the problem. [2] Scaffolding instruction consists of the following teaching links: first, build a “scaffold” and focus on the current learning theme, and set up a conceptual framework according to the requirements of “the most adjacent development zone”. Second, the teacher leads students into certain problem scenarios. Third, let students explore independently and determine various attributes associated with a given concept, and encourages students to be able to continue to rise in the conceptual framework. Fourth, collaborative learning, which means what we have learned, could be transferred into meaning configuration by group consultation and discussion on the basis of sharing collective thinking results. Finally, performance evaluation includes independent learning, contribution of group cooperative learning, and the degree of achieving the meaning of knowledge construction.

**Practices of Application of Scaffolding Instruction in Law Courses**

**Building Concept of Scaffold and System Framework to Establish Basis of Law**

According to the scaffolded instruction, teachers are the helpers in students’ learning process. They are responsible for arousing students’ learning enthusiasm and open students’ legal thinking.

Construct the conceptual framework of “the most adjacent development zone” through theoretical teaching. The main contents of the basic legal courses consist of three parts: firstly, it is the basic theory of law; secondly, it is the main current department law of our country, including constitution, administrative law, military law, civil law, criminal law and procedural law and so on; thirdly, it is international law. In the course of theoretical teaching, the knowledge framework is backed with the following concepts: “law”, “the science of law”, “legal system”, “legal branch”, “right”, “duty”, “legislation”, “law enforcement”, “keeping the law”, “rule of law”, “governing the country according to law” “governing the army according to law” and so on. About our current main department law, build “administrative act”, “crime”, “punishment”, “civil act”, “civil right”, “civil liability”, “lawsuit”, “evidence”, “law of national defense”, “military law” and so on. In international law section, the conceptual framework of “international law”, “domestic law”, “international public law”, “international private law” and “international economic law” are constructed. The relevant knowledge system will be formed through the leading legal notions so as to build the necessary foundation to construct the task support for the next step.

In the first class, in addition to introduction of course and teaching contents, teaching general requirements and methods as well as the evaluation criteria, we specially lay emphasis on the introduction of scaffolded instruction and begin to build legal courses conceptual framework, knowledge hierarchy. Students are required to know the position of jurisprudence in the subject category, understand the relationship between law and related disciplines, focus on the understanding and memorization of the entry concept of law.

Establish task scaffold by selecting the appropriate case or debate. In the process of teaching, we often use methods like case analysis and theme debate to help students build “scaffold” about legal thought and case analysis, at the same time, existing tasks which are slightly higher than the students’ ability are presented. Case or debate comes from the real life, to guarantee the students through certain efforts can be finished. This is the foundation of the scaffolded instruction. Getting the “scaffolding point” according to the students’ cognitive characteristics and existing knowledge. Here, the teachers’ role is not a professor, but a facilitator. [3] For example, after explaining the main concepts of the basic theory of jurisprudence, the teacher arranges the following tasks: expounding the essence and characteristics of the law in our country; discussing the composition and characteristic in our country socialist legal system; discussing operation mechanism of law of our country socialism; thinking about the focus, difficulty and the key problem to solve presently of the construction of the rule of law system of socialism with Chinese characteristics. These four
tasks which are from easy to difficult and gradually improved, can fully test students’ ability to complete tasks.

**Creating Situation about Legal Relationship to Trigger Thought about Law Theory and Question of Reality**

Establish legal relationship situation through expounding the rule of law and case analysis. When teaching a theory or a rule, you can’t just have a dull and dry skeleton, but going to add stories or examples of flesh and blood. Trying to bring students into a specific theory or rule situation. For example, in part of “Constitution” teaching, trying to make the students in constitution relationship, let them clear as a citizen should enjoy the rights and obligations, so that thinking the relationship between person and nation, themselves and others. Through the issuance of typical case material, such as “Sun Zhigang Case”, “Qi Yuling v. Chen Xiaqi Case”, let the students find the problems and answer the question themselves. Do it like this, the students thinking attentively, deepened the understanding of the constitution, and learn the basic method to solve law problem by consciously applying the law and law thought. It also forms a preliminary legal analysis ability for students.

Lead students to consider legal theory and reality problem through question or heckling. Paying attention to arouse the enthusiasm of students. Let students combine learning and thinking and require knowledge in the independent ability, the development of cognitive ability. Guiding students to think deeply about arguments or cases.

One is timely inspiration. When students have problems, teacher should guide and answer in time. And, as far as possible, the analogy between the two, and the identification. For example, when teaching theory about constitution implementation and supervision, introducing the origin of unconstitutional review system, the establishment and evolution by the “Marbury v. Madison” case. It inspire the student to think unconstitutional review system in our country’s present situation, problems and reform. There are problems of extension, and the comparison of the legal system and identification.

The second is to ask questions. Raising questions and step by step. Asking questions by layer which can prompt students to think and answer questions continuously and improve students’ thinking ability.

The third is the use of Socrates’ heckling method. A specific topic is given to require students to debate or ask to each other. It can practice their questioning ability, express speed and logical thinking habits.

**Encouraging Students to Form Habits of Exploring Legal Issues Independently**

The purpose to set up the scaffold is to give students a higher step. Therefore, through setting up the scaffold reasonably, after helping students to promote knowledge and ability to a certain level, it is bound to gradually withdraw scaffold and leave space for students. By leaving to make a study of learning opportunities for students, teachers only play role as the scaffold and help students to realize the importance of independent exploration.

Remove conceptual scaffold to help students solve basic theoretical problems. During the second half of course of the course in civil law, criminal law, procedure law and international law, arranging more student extracurricular reading and let the student understand and know well about independent department law theory knowledge by reading teaching and extracurricular information. For easy and non-obvious obstacles of knowledge, the teachers should not expound on the class, but directly speak case materials to students and let student solve the problem of material by himself. The teacher acts as a facilitator, a judge and a helper.

Encourage students to develop the habit of finding practical legal problems and solutions. After the students can understand the basic legal concepts and principles accurately, and be able to use consciously, teachers should stimulate them to climb up, namely more in-depth thinking on relevant themes, or to the relevant areas to explore. For example, thinking about the implementation and realization of the constitution, or thinking about the specific path of the rule of law.
Create an open atmosphere, choose a relatively grand topic, and let students make full use of the association freely. For example, the relationship between sovereignty and human rights, legal issues and their solutions of international maritime conflict have aroused the interest of students, which has led to the free discussion and debate.

Detection of Learning Effectiveness by Multi-dimensional Evaluation

We first build a system of the multi-dimensional evaluation. Diverse evaluation ways have been formed through teaching practices, including the evaluation of the teachers to the students, the mutual evaluation of the students, the evaluation of the third-party, the evaluation of the task consequence, and the evaluation of the task process. The interaction between the teachers and the students, and the students each other penetrates the whole class. And the evaluation gives priority to affirmation and commendation to kindle the students’ enthusiasm and to improve the students’ ability of analyzing and solving questions. The process of teaching is no longer seen as a purely static process of giving and receiving, but the interaction between teachers and students, the dynamic process of mutual influence.

There are three kinds of tests to ensure the study results. The first one, the final exam, requires the students to complete 10 case analysis problems in 100 minutes. The second one is to require the students to complete an academic thesis on law. The third one is to require the students to take part in mock trials. Limited to conditions, some limitations exist in our evaluation of the testing effectiveness and obviously, the practical value for reference exists. We acknowledge that learners themselves should take more responsibility in the process of learning in order to improve learning efficiency.

Practical Problems of Scaffolding Instruction in Law Courses

In our practice, three problems exist. The first one is the time control problem of organizing the scaffolding. The contradiction lies between the limitation of teaching hours and the massive contents of the law knowledge system. The problem caused by the contradiction is that the follow-up tasks will be difficult to accomplish if we spend more time on organizing the scaffolding, and the scaffolding will not be set up if many concepts and knowledge are simplified because of being short of the time.

The second one is the problem between the whole “support” and the section ones. For the students as a whole, the main concept and the knowledge system of the law should be explained to them. But their knowledge bases, comprehensions, efforts are not the same. So the problem of the whole and the individual should be taken into account. Usually, the teachers design the scaffolding based on the whole. Thus the problem of the individual scaffolding arises. Namely, the excellent students’ scaffold is excessive but the ordinary students are lack of scaffold.

The third one is the problem of the control right transferring between the teacher and the students. To control the students by the scaffold or to guide them is a problem solved first. The words “critical moment”, “opportunity”, and “elasticity” need to be taken seriously. In a word, the critical moment of organizing the “support” needs to be given serious consideration to, the moment of the students’ comprehension should be caught without letting the opportunity slip and the course of action of telling the students answer should be reduced or stopped. When the teachers design the teaching steps, they should leave certain time for unpredictable circumstances and needs.

Conclusion

It is effective and valuable that the scaffolding instruction is put into the public law courses. We should reform it in the light of specific courses but not to indiscriminately copy the steps given by the theory of it. In future, some questions should be considered in the theoretical research and the practice of the scaffolding instruction. First, how do the teachers rapidly and effectively test the students’ learning results so as to accurately judge whether the students need any extra help of the
scaffold. And then how to put the scaffolding instruction into effect in the class with more participants and great discrepancies is the second question.

References


