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Towards pluralistic legal minds: pedagogical theories underpinning teaching of comparative legal research methodology

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ABSTRACT
This paper shares our experience of research-based teaching of comparative law. Our main teaching goal is to provide a deep approach to learning and by extension enhance critical thinking about law as a social and political phenomenon using comparative research as a tool of legal learning. To achieve this, it is of paramount importance to push legal thinking beyond traditional legal dogmatics and broaden epistemic understanding of how scientific and legal knowledge is created and developed. Thus, our teaching content highlights the entire intellectual spectrum of comparative law emphasising the critical and postmodern approaches based on pluralist thinking. Thereafter, the students get to experience existent diversity in legal thinking. On the other hand, shifting away from traditional comparative legal research methods poses a difficulty both for students accustomed to traditional methods of legal reasoning, and for teachers – us – when passing on the knowledge. This challenge may derive from the fact that existent comparative law literature focuses on the theoretical underpinings that become highly sophisticated and intricate to implement, rather than providing tools on how to implement and teach the methodology.

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KEYWORDS Comparative law; legal research; legal education; teaching–research nexus; critical thinking

1. Introduction

> Meaningful comparison requires conscious integration of various perspectives and an attentiveness to hidden purposes, meanings, themes, conceptual building blocks and strategies in legal texts pertaining to different cultures.[1]

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[1]Anne Peters and Heiner Schwenke, "Comparative Law beyond Post-Modernism" (2000) 49 International and Comparative Law Quarterly 4, 800–834.

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In this paper we present a research-based approach to teaching comparative law aimed at fostering students' legal imagination and critical thinking beyond traditional legal dogmatics. In our pedagogical approach, we highlight the correlation between deep- and meaning-directed learning,[2] conceptual change,[3] development of scientific and critical thinking, and the use of comparative research in legal education. We argue that understanding a variety of, often contradicting, legal theories and methods is of key importance to students' epistemic development[4] and by extension development of critical legal thinking.

Comparative legal research is an attempt to break loose from the limits of internally oriented legal studies, towards an extended perspective on law as a social and cultural phenomenon. Thereby, teaching comparative research methodology at early stages of legal education – first or second year of bachelor level – could provide students with an overview of various approaches to similar legal problems while also facilitating the abilities of legal thinking and argumentation. In this line, scholars suggest incorporating comparative law materials from the outset of legal education to stimulate learning of legal thinking in a pluralistic manner.[5] However, while acknowledging the importance of a comparative perspective for legal education, some scholars highlight the need to clearly separate comparative legal research and comparative law as a tool of legal education. This suggestion is based on the distinction between perceived diverging goals of comparative legal research and comparative law pedagogics, with the former aiming at reaching a deep cultural understanding of foreign law using elaborate methodological tools, and the latter aiming at teaching students to "think like a lawyer".[6] Such an approach seems to draw a distinction between *scientific thinking*[7] followed in comparative legal research and *legal thinking* relevant in legal education. By contrast, we argue that law students need an epistemic understanding of how legal knowledge is produced, used and justified. This, in turn, requires scientific thinking at the highest epistemic level.[8] Engaging with

[2]Jan D Vermunt and Maaike D Endedijk, "Patterns in Teacher Learning in Different Phases of the Professional Career" (2011) 21 Learning and Individual Differences 294.

[3]M Murtonen, C Nokkala and I Södervik, "Challenges in Understanding Meiosis: Fostering Metaconceptual Awareness among University Biology Students" (2020) 54 Journal of Biological Education 3.

[4]Heidi Salmento and Mari Murtonen, "The Roles of Epistemic Understanding and Research Skills in Students' Views of Scientific Thinking" in Mari Murtonen and Kieran Balloo (eds), *Redefining Scientific Thinking for Higher Education: Higher-Order Thinking, Evidence-Based Reasoning and Research Skills* (Palgrave Macmillan 2019) 31–57.

[5]Jaakko Husa, "Turning the Curriculum Upside Down: Comparative Law as an Educational Tool for Constructing the Pluralistic Legal Mind" (2009) 10 German Law Journal 913.

[6]Jaakko Husa, "Comparative Law in legal education - building a legal mind for a transnational world" (2018) 52(2) The Law Teacher 201.

[7]Mari Murtonen and Heidi Salmento, "Broadening the Theory of Scientific Thinking for Higher Education" in Mari Murtonen and Kieran Balloo (eds), *Redefining Scientific Thinking for Higher Education: Higher-Order Thinking, Evidence-Based Reasoning and Research Skills* (Palgrave Macmillan 2019) 3–29.

[8]Heidi Salmento, Mari Murtonen and Margaret Kiley, "Understanding Teacher Education Students' Research Competence through Their Conceptions of Theory" (2021) 6 Frontiers in Education, Article 763803, 1–9. https://doi.org/10.3389/feduc.2021.763803.

diverse methods and theories developed by comparative legal scholars could provide law students – paraphrasing Peters and Schwenke – with critical intellectual distance, heightened reflexivity and epistemological awareness about their own legal systems.[9] In that sense, the goals of comparative legal research and comparative legal pedagogics overlap.

To develop critical legal thinking and appreciation of theoretical, methodological and legal diversity, our course on Comparative Legal Research is a methodology course, in which we aim to strike a balance between comparative law methodology and comparative research as a tool of legal learning. The basic idea is to change students' conceptions about neutrality and objectivity of legal discourses thereby facilitating deep learning and epistemic development. Importantly, in this context, we choose not to use the term *comparative law* at all; instead we opt for the term *comparative legal research*. On the one hand, the concept of *comparative law* as a separate legal discipline is connoted with the somewhat misleading idea of a unified concept of some transnational law, set of legal rules or legal problems similar to all societies. Research, on the other hand, signifies the process of discovering facts and constructing meaning, collecting and analysing data in a systematic and rigorous manner. In this line, in our approach, comparative legal research means finding meaning underpinned by theoretical and methodological awareness. Given that much of the comparative law scholarship is methodologically oriented, building concepts and theories of comparative research, this framing seems justified.

The biggest challenge in our teaching concerns effective ways to teach comparative research methodology to undergraduate students accustomed to traditional legal methods of dogmatic analysis. Admittedly, comparatists have written volumes trying to capture the essence of what comparative law is, providing extensive discussion on advantages and disadvantages of different comparative theories, eg why functionalism and why not.[10] On the other hand, comparative legal research methodology seems to be taught from a theoretical perspective with limited explanations of how to implement it. From a practical perspective, teaching what the literature says does not seem to be enough for students to grasp the actual "how to" of implementing theory. This is in line with literature claiming that, in general, students have difficulties in understanding concepts related to research.[11] Thus, while we agree with scholars advocating the flexible approach to comparative legal

[9]Peters and Schwenke (n 1).

[10]Robert Segal, "Postmodernism and the Comparative Method" in Thomas Athanasius Idinopulos, Brian C Wilson and James Constantine Hanges (eds), *Comparing Religions* (Brill 2006) 249–70.

[11]For example Mari Murtonen, "University Students' Understanding of the Concepts Empirical, Theoretical, Qualitative and Quantitative Research" (2015) 20 Teaching in Higher Education 684; Margaret Kiley, "'I Didn't Have a Clue What They Were Talking About': PhD Candidates and Theory" (2015) 52 Innovations in Education and Teaching International 52.

research, where the aim of the research and the research questions determine the most appropriate methods of comparison,[12] this might be confusing for students. To elevate their awareness of the value of, the limitations of and the ways to implement this versatile methodology, we integrated insights from pedagogical literature to inform and guide our teaching of comparative law.

In the remainder of this paper, we describe and reflect on our approach to teaching comparative research methodology and share our observations on students' progress from the beginning of the course to the final assignment. First, we highlight the aims, method and limitations of our observations. Then, we set the stage by presenting basic parameters of our course "Comparative Legal Research", followed by an overview of pedagogical principles underpinning our teaching. We then move to the core of our paper, where we juxtapose our experience of setting students' intended learning outcomes with their implementation in final assignments. We conclude by reiterating our main arguments: first, the importance of teaching undergraduate students the full intellectual spectrum of comparative law to broaden their epistemic understanding; and second, the need to provide clear tools for implementing these methods and theories.

2. Aims, method and limitations

This paper offers a critique of the traditional approach adopted in the teaching of comparative research methodology to undergraduate students. Such critique is based on a multi-method approach that combines observation-analysis gathered between 2020 and 2025, and a literature review used while implementing the comparative legal research methodology course at the Faculty of Law (see Section 3). Primarily we share our findings and observations resulting from the teaching of the same course during five consecutive years to five different groups of students. Our goal is twofold: (1) to better understand students' needs; and (2) to improve our delivery method, while also contributing to the broader discussion on modern approaches to teaching law in globalised societies. Thus far, comparative research methodology has been taught in a manner that exposes students to a myriad of theories with the expectation that students will understand their value and by extension will be able to implement these theories in their own research almost automatically. However, we argue that adopting a pedagogically informed research-led approach oriented towards students' epistemic development will enhance both teaching delivery and understanding of how to implement the theoretical underpinnings taught.

[12] Mark Van Hoecke, "Methodology of Comparative Legal Research" (2015) 12 Law and Method.

Overall, the aspiration is to develop our teaching and pedagogic skills consistently with the learning-focused approach[13] to boost students' methodological awareness, to achieve deep learning and critical thinking about law. In this regard, the observation-analysis approach followed through the data gathered in the form of assignments, and feedback collected during and after the course, has been essential. Additionally, the literature review approach followed in the study of theoretical underpinnings has revealed a gap in the existing literature in the teaching of comparative research methodology and its practical implementation. This practice has led us to both improve our delivery method while contributing to a better understanding of law students' needs.

Between 2020 and 2025 the courses have had an intake of about 20 students on average, between Erasmus students, local law-degree students and other master's students. From all of these, we observed that about three-quarters of the students have consistently experienced the same challenges and expressed the same confusion in relation to the value of the methodology itself. The data has been gathered year after year through feedback, assignments and mentoring of students' research endeavours. Given that this paper is based on observation-analysis reflecting our experience through the teaching of the course, no empirical data in the form of interviews has been gathered; this will be done for the next course implementation. Furthermore, due to the General Data Protection Regulation (GDPR) and privacy laws, the actual student papers, research plans or data related to these cannot be disclosed. Therefore, only general observations can be shared in relation to our experience in the teaching of the comparative legal research methodology.

The course has been designed to actively engage students even before the course begins. Thus, before the first class, students are invited to introduce themselves, describe their experiences with comparative law, their research interests, expectations for the course and perceptions of the goals and added value of comparative legal research. This pre-course task reveals students' preconceptions about comparative law, their views on the importance of studying foreign legal systems, concepts and laws – specifically for law students, legal practitioners and researchers.

Considering the orientation of our teaching towards students' epistemic development, and the fact that students experienced consistently similar challenges between 2020 and 2024, in the last version of the course, we began to map the development of their understanding of scientific research in general, comparative legal research and the interplay between theory and

[13]Liisa Postareff and Sari Lindblom-Ylänne, "Emotions and Confidence within Teaching in Higher Education" (2011) 36 Studies in Higher Education 799.

methods in particular, using mapping technique,[14] ie asking students to draw a conceptual map[15] of legal research using concepts such as empirical, theoretical, qualitative and quantitative research. However, most importantly, students' development from the first research idea, through the research plan to the final paper reveals the extent of conceptual change and ability to understand how students could construct their own knowledge using comparative methodology. We are aware of ethical constraints related to the use of students' data; therefore, we limit our analysis to our own perceptions of students' performance in relation to our pedagogical approach. In simpler terms, we reflect on how our expectations and the course intended learning outcomes translate into students' final assignments.

3. Setting the stage: research-based approach to teaching comparative law

This paper documents our experiences from developing and teaching the methodology course "Comparative Legal Research" at the Faculty of Law. This was taught both as an optional course (7 ECTS) and a specialisation course (12 ECTS) for five consecutive academic years. Each ECTS point is worth approximately 27 hours of students' work; this includes both contact teaching and independent learning. The specialisation courses are provided as small-group teaching with an average of 20 students per course and directed towards third-year bachelor's degree students, and early master's students. Moreover, given that the teaching language is English, approximately one-third of the course students are bachelor's and master's Erasmus students. To ease their workload, the international students participate in the teaching as optional course students. The combination of international and local students provides a good starting point for comparative legal research. The students in previous versions of the course presented a versatile cohort with different national and educational backgrounds, which enabled mutual learning and fruitful comparative work.

In the course, we aim to strike a balance between comparative law methodology and comparative research as a tool of legal learning. The development of our course was sparked by the perceived need to begin teaching methodology already at the undergraduate levels of legal education. Against this backdrop, alongside the *domain competences* – ie building an understanding of basic challenges and strategies to analyse different dimensions of law through a comparative lens, we place strong emphasis on *generic competences* – critical thinking, effective communication and

[14]Candace Schau and Nancy Mattern, "Use of Map Techniques in Teaching Applied Statistics Courses" (1997) 51 The American Statistician 171.
[15]Murtonen (n 11).

collaboration skills, writing and research skills. Our underlying idea is to excite students about the research process and motivate them to make use of research in their professional life. In our teaching we distinguish between methodology and method. While methodology is often defined as a "study of the direction and implications of empirical research, or of the suitability of the techniques employed in it",[16] we understand methodology as a system of methods used in the field alongside theories and principles underpinning them, ie an overarching strategy to solve research problems.[17] In turn, we understand methods as specific tools, investigation techniques and procedures used to collect and analyse data employed by the researcher to answer their research questions.[18] Moreover, in our account, in comparative legal research we can distinguish between methodological theories and legal theories. The former include for instance different variations of functionalism, which serve to enable meaningful comparison. Meanwhile, legal transplants theory by Watson,[19] legal irritants theory by Teubner[20] or legal formants theory by Sacco[21] serve to understand law as a phenomenon and therefore should be considered legal, rather than methodological, theories of comparative legal research.

The course has been conceptualised as learning-focused to enable students' reflection, thus, students' needs are taken into consideration to adapt content and delivery method.[22] Importantly, the first two versions of the course were taught in two clearly separated parts: a series of lectures and a series of seminars. However, in line with previous research[23] we have noticed that many students have difficulties in combining the "theoretical" part with their own research. Therefore, in the last two versions of the course, we have restructured the module to consist of two series of lectures and two series of seminars. The mix between lectures and seminars gives students more time to work on their assignment and implement the theory in practice. Table 1 includes the basic parameters of our course.

During the first series of lectures students are introduced to the *core content*, which they need to learn to form a deeper understanding of comparative law as a methodology of legal research. We teach key debates – the

[16]Dawn Watkins and Mandy Burton, "Introduction" in Dawn Watkins and Mandy Burton (eds), *Research Methods in Law* (2nd edn, Routledge 2017).
[17]John W Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (4th edn, Sage Publications 2014) 1–7.
[18]ibid.
[19]Alan Watson, *Legal Transplants: An Approach to Comparative Law* (2nd edn, University of Georgia Press 1993).
[20]Gunther Teubner, "Legal Irritants: Good Faith in British Law or How Unifying Law Ends Up in New Differences" (1998) 61 Modern Law Review 11.
[21]Rodolfo Sacco, "Legal Formants: A Dynamic Approach to Comparative Law" (1991) 39 The American Journal of Comparative Law 1.
[22]Postareff and Lindblom-Ylänne (n 13).
[23]Kiley (n 11).

Table 1. Comparative Legal research methodology course generalized syllabus, and course parameters 2020-2025.

TOTAL NUMBER OF TEACHING HOURS	21 H OF LECTURES
TOTAL NUMBER OF SEMINAR HOURS	14 h of seminars
ASSIGNMENTS	**Assignment 1**: Abstract and research plan + presentation **Assignment 2: Mini-lecture** "Methods of Comparative Legal Research" **Assignment 3**: Long paper (15–20 pages) + presentation
INTRODUCTORY LECTURES	Lecture 1: **Plurality of Legal Thinking**: Why comparative legal research? Workshop: Legal research Lecture 2: **Legal pluralism, cultures, families and tradition**: How to deal with legal diversity of the world? Lecture 3: **Functionalism**: Is there a clear formula for comparative legal research? Lecture 4: **Legal transplants, irritants and formants**: Is the formula enough to understand the legal diversity of the world? Workshop: Academic writing
MID-SEMINARS	Day 1: Mini-lectures by students Day 2: Research plan seminars
IN-DEPTH LECTURES	*Lecture 5: Functionalism: Examples of comparative legal research* *Lecture 6 Legal Transplants: Examples of comparative legal research* *Lecture 7: Comparative law(s) – Examples of comparative legal research* *Lecture 8: Comparative Constitutional Law – Examples of comparative legal research* *Lecture 9: Comparative Criminal Law – Examples of comparative legal research*
FINAL SEMINARS	Paper Seminar

intellectual spectrum of comparative law – from the perspective of two fundamental questions: (1) Is it reasonable to assume that all societies encounter similar social challenges? (2) Can we understand foreign laws without understanding the surrounding social context? To boost critical thinking and stimulate comparative legal imagination we begin the teaching with a series of vignettes – ie short cases that include both substantive topics and indicators for legal questions. Usually, the topics are politically and culturally charged, eg the use of blasphemy laws, the scope of hate speech laws, or ways to criminalise dissent – pointing to the importance of contextualisation in comparative studies. The vignettes aim at facilitating both legal and comparative reflection. The rest of the introductory lectures tackle further fundamental questions of comparative research: (3) What do we compare? and (4) How do we compare?

After five introductory lectures, students present their research plan in the first series of seminars. Afterwards, we explore different methods of comparative legal research in the second series of lectures. This stage is meant to include *complementary content*, which provides the opportunity to further deepen theoretical knowledge in methodology of comparative legal

research. In this block, we discuss with students the interplay between methods and theories and a series of examples of comparative research, including our own research, eg a multi-approach strategy to comparison of corporate criminal liability laws, where different methods of comparative legal research are used at distinct stages of analysis.

To pass the course students work on and submit three interconnected assignments. The purpose of the first assignment is to write an abstract (maximum 250 words) and a research plan (maximum two pages) for the final paper. In addition, for the second assignment in the first phase of teaching students choose one scientific paper, which introduces a method or a theory of comparative legal research, to give a mini-lecture. In the mini-lecture students should evaluate advantages and challenges of this method/theory and reflect how it contributes to their research objectives. Finally, for the third assignment students write a paper (15–20 pages).

The students work in mixed groups, with backgrounds in different legal systems and legal cultures. The process of comparison between these legal cultures and systems is at the core of the course assignments. Each research group works on a specific topic of their choice, formulating overall research objectives and specific research questions to study this topic. The students are free to choose their group, the method of comparison and topic of their paper, depending on their previous knowledge and research interests following the flexible approach to comparative legal research.[24]

The research and writing process aims to encourage students to construct their knowledge on legal subjects of their own choice and thereby learn *special content*, ie develop a deeper understanding of their research topics and relate theoretical and methodological ideas to each other. At the end of the course, students are assessed individually according to their progress throughout the course, particularly their progress from the research plan to the final joint paper. The individual assessment is facilitated through continuous monitoring of the group work, including a series of self- and peer-assessment forms and clear division of work in the group.

Students must present their final assignments at least twice before submitting the last version for evaluation. The reason is to allow students to receive enough feedback from both teachers and peers. Throughout the years, instructions to write the assignment have also become more precise in nature, aiming to attain better implementation of theory into the paper (practice). Guiding steps for the writing process includes suggestions to describe the phenomena (legal and extra-legal) which are the subject of research; describe the objectives and

[24]Van Hoecke (n 12).

main research questions; explain why the comparison is important and relevant; what comparative method or approach is followed; identify similarities or/and differences between legal phenomena or legal approach to an extra-legal phenomenon in the chosen jurisdictions; search for possible explanations of these similarities and differences, among other things. Through the development of this assignment, it is possible to see an evolution in the students' thinking and map their epistemic development.

4. Pedagogical principles underpinning our teaching

Given our commitment to broaden students' epistemic understanding of how scientific and legal knowledge is created and how it develops, our approach to comparative law itself is methodologically broad and flexible. We teach students the evolution of comparative law thinking – starting from traditional methods centred around functionalism and the idea of universalism, all the way to the critical and postmodern approaches to comparative law centred around pluralist thinking, experience of difference and legal diversity. In so doing, we seek to highlight the entire intellectual spectrum of comparative legal research, emphasising the importance of going beyond the Black-letter law and taking the extra-legal context into account. The latter is of utmost importance to tackle the challenges intrinsic to every comparative endeavour, ie the asymmetry of knowledge and bias towards one's own legal system. While these challenges are often addressed in the abundant comparative law literature, the practical, pedagogical approaches to teaching comparative research methodology are scarce.

This is concerning, as the lack of tools and understanding on how to implement diverse, and sometimes contradicting methods and theories of comparative legal research impedes methodological awareness of students accustomed to traditional methods of legal reasoning and potentially discourages critical examination of diversity in legal thinking. *Thus, the question arises how can we effectively utilise methods of comparative legal research in legal education?* In this section we provide examples of pedagogical principles that inform our teaching. These principles range from the commonly acknowledged in academic circles constructivist approach, through meaning-directed and deep-learning orientation through focus on students' scientific thinking and epistemic development. We argue that conscious application of pedagogical principles by legal educators, in conversation with students, elevates students' awareness of the value of, the limitations of and the ways to implement comparative methodology, and by extension fosters their critical thinking about legal concepts and knowledge production.

4.1. Meaning-oriented, deep-approach to learning

We develop our teaching approach, first, building on the distinction between approaches to learning, ie "students' intentions concerning their studying and learning as well as to the learning process they apply to reach their aims".[25] We are interested in *meaning-directed learning* understood as an attempt "to discover relationships within the subject matter, to get an overview, to be critical and to understand the meaning of what (they) read, see and hear as much as possible".[26] Similarly, the *deep approach to learning* emphasises critical thinking, the intention to understand information by relating ideas to each other and using evidence and creating one's own understanding of the topics under study.[27] By contrast, traditional legal education often follows the *surface approach* commonly connected with unreflective strategies, such as memorising and reproducing the learning material and an intention to simply learn facts in order to pass a course.[28] Yet the expertise in legal domain includes hierarchically structured knowledge and clusters of interconnected concepts embedded in different fields of law.[29] Development of such expertise requires the intention to understand information by relating ideas to each other, using evidence and creating one's own understanding of the topic under study.[30] By extension, a *deep approach to learning* can highlight the interplay of law and other social, economic, cultural and political phenomena.

In our teaching approach, we see a correlation between deep learning that leads to conceptual changes in students' existing knowledge structures, methodological awareness of challenges and limitations of comparative research, and epistemic development. Consequently, while we teach students various goals of comparative law, we emphasise *goals of theoretical comparative jurisprudence* – the comparison of differing legal orders for the purpose of better understanding and advancing one's own law[31] and the critical potential of comparison. We aim at fostering critical legal thinking by means of comparative legal research. Following Peters and Schwenke's view on comparative legal studies "as an operator of critique", which helps "to create a critical intellectual distance from one's legal system, forcing us into sympathetic yet critical knowledge of law in another context, disrupting our

[25] Sari Lindblom-Ylänne, Anna Parpala and Liisa Postareff, "What Constitutes the Surface Approach to Learning in the Light of New Empirical Evidence?" (2019) 4 (12) Studies in Higher Education, 2183.
[26] Vermunt and Endedijk (n 2) 294.
[27] Lindblom-Ylänne, Parpala and Postareff (n 26).
[28] Lindblom-Ylänne, Parpala and Postareff (n 26).
[29] Fleurie Nievelstein and others, "Expertise-Related Differences in Conceptual and Ontological Knowledge in the Legal Domain" (2008) 20 European Journal of Cognitive Psychology 1043.
[30] Lindblom-Ylänne, Parpala and Postareff (n 26).
[31] Albin Eser, "Comparative Criminal Law" in Mireille Delmas-Marty (ed), *The Criminal Law Systems of the European Union* (University of Chicago Press 1997) 365–402.

settled understandings and provoking new judgements", we encourage and expect methodological awareness of our students.[32]

To raise students' methodological awareness, it seems necessary to increase their metacognition, broadly understood as "the knowledge about and regulation of one's cognitive activities in learning processes"[33] alongside epistemological understanding of knowledge construction.[34] Thus, at the beginning of the course, we discuss with students different approaches to learning.[35] Through this meta-discussion we hope to encourage students to think about their learning process in a more conscious way and facilitate *meaning-directed learning*.[36] This is particularly important in legal education. In this context, research done by Parpala and others among Finnish students shows that law students are more focused on *organised studying* – an approach that focuses on study practices, time management and organisation of one's own studies rather than learning – while scoring low on items measuring a deep approach to learning.[37] Organised students "appear to be systematic (possessing good self-regulation and study skills) in their studies without looking for arguments and justifications from various perspectives".[38] While this research was conducted 15 years ago, our own experience of teaching at different law faculties points to a similar conclusion.

In our experience, legal education privileges a "reproduction-directed learning pattern", where the learning process is strongly directed by external sources, and focused on memorising expert knowledge passively transferred from the teacher, with a mix of an "application directed learning pattern", where the students process the subject matter in a concrete manner, focusing on how the subject can be applied in practice.[39] In similar vein, other studies in the Finnish context highlight the conservative character of legal education resistant to novel contents and teaching approaches, and oriented towards mainstream practice of law. As in other contexts, where legal education reproduces hierarchies of power,[40] Finnish legal education has been dominated by a positive doctrine of law that underlines the objectivity, impartiality and neutrality of law and lawyers.[41]

[32]Peters and Schwenke (n 1) 830.
[33]Marcel VJ Veenman, Bernadette HAM Van Hout-Wolters and Peter Afflerbach, "Metacognition and Learning: Conceptual and Methodological Considerations" (2006) 1 Metacognition and Learning 3.
[34]Salmento and Murtonen (n 4).
[35]Lindblom-Ylänne, Parpala and Postareff (n 26).
[36]Vermunt and Endedijk (n 2).
[37]Anna Parpala and others, "Students' Approaches to Learning and Their Experiences of the Teaching-Learning Environment in Different Disciplines" (2010) 80 British Journal of Educational Psychology 269.
[38]ibid 278.
[39]ibid 276.
[40]Duncan Kennedy, "Legal Education and the Reproduction of Hierarchy" (1982) 32 Journal of Legal Education 591.
[41]Johanna Niemi, "Constructing the Identity of a Lawyer" in Mattias Derlén, Lena Landström and Nina Nilsson Rådeström (eds), *Vänbok till Ulf Israelsson* (Juridiska institutionen, Umeå universitet 2020) 229–35.

Admittedly, the research on legal pedagogy,[42] similar to critical[43] and post-structural[44] approaches to legal research, has been growing. Alas, the predominate focus of legal education on doctrinal interpretation, rational argumentation and positive sources of law creates a view of lawyers and legal authorities as neutral and impartial adjudicators[45] and reduces complicated realities into legally relevant and legally irrelevant facts.[46] Moreover, the rhetorical teaching/learning methods dominating legal education reinforce a "banking" character of legal education,[47] discouraging critical and creative thinking, facilitating instead representational thinking, repeating, reinforcing and reifying dogmatic thought.[48]

4.2. Constructivism and inquiry-based learning

To counter these tendencies and achieve deep learning and conceptual change among our students, we modelled our course on the principles of *constructivism* to stimulate students' understanding of epistemic development of scientific and legal knowledge. While there are different schools of constructivism, common to these theories is the centrality of the learner in arriving at meaning by activating assumptions, motives, intentions and previous knowledge, and cumulatively constructing new knowledge, through both individual and social activity.[49] Our course is structured around an example of comparative legal research that students conduct throughout the course. In that sense, our approach corresponds to *inquiry-based learning*,[50] where the students mimic the collaborative work processes of experts that result in new knowledge. Unlike *research-led teaching*, where content, design and structure of the teaching is informed by research, in *research-based teaching* students undertake their own inquiry-based learning.[51]

[42]Sari Lindblom-Ylänne and Johanna Niemi-Kiesiläinen, "Success in the Examination of Procedural Law" (2003) 2 Retfærd 59; Juhana Salojärvi, "Legal Education and the Reproduction of the Profession: Critical Scholarly Responses to the Crises of Legal Education in the United States in the 1930s and 1960s–1970s, and in Finland in the 1960s–1970s" (2014) 2 Helsinki Law Review 95.

[43]Daniela Alaattinoğlu and Johanna Niemi, "Legal Education – Challenging the Finnish Criminal Law Syllabus" in Adrian Howe and Daniela Alaattinoğlu (eds), *Contesting Femicide: Feminism and the Power of Law Revisited* (1st edn, Routledge 2018) 118–129.

[44]Miriam Tedeschi, Juho Aalto and Amalia Verdu Sanmartin, "Posthumanism, Challenging the Legal Truth, and Spatial (In)Justice: Pedagogical Experiences Reconnecting Law to Matter" (2024) 58 The Law Teacher 294.

[45]Niemi (n 42).

[46]Alaattinoğlu and Niemi (n 44).

[47]Paulo Freire, *Pedagogy of the Oppressed* (Myra Bergman Ramos tr, Continuum 2000).

[48]Amalia Verdu Sanmartin and Johanna Niemi, "Virtual Reality in Legal Education: Challenges and Possibilities to Transform Normative Knowledge" in Judyta Lubacha, Beata Mäihäniemi and Rafał Wisła (eds), *The European Digital Economy: Drivers of Digital Transition and Economic Recovery* (Routledge 2023) 120–40.

[49]John Biggs, "Enhancing Teaching through Constructive Alignment" (1996) 32 Higher Education 347.

[50]Kirsti Lonka, *Phenomenal Learning from Finland* (Edita Publishing 2018).

[51]Mick Healey, "Linking Research and Teaching to Benefit Student Learning" (2005) 29 Journal of Geography in Higher Education 183.

In our course, students set their own learning objective on the level of their research project. Importantly, in defining and facilitating students' research process, we highlight the distinction between narrowly understood legal research – the process of identifying and finding the law to support legal argument by finding facts, identifying legal issues and jurisdiction and searching for appropriate statutes, regulations or case law[52] – and broadly understood systematic process of inquiry, which goes beyond discovering, interpreting facts, events or behaviours, aiming at their critical analysis.[53] We argue that the research and writing process at the course's core allows students to construct their own knowledge and critically analyse legal subjects of their own choice in a comparative context.

Along this line, following *learning-focused approaches* to teaching we see the role of the teacher – not as much in passive transmission of professional knowledge, but in "irritating" students, getting them out of their comfort zone, and making them think not just memorise. Thus, all our teaching methods prioritise active exercises – discussions on reading assignments, vignettes and group tasks – and formative assessments over traditional lecturing. In addition to the research and writing assignments, throughout the course we ask students to work on their *learning diary* after each session, for instance, to write comments and questions about the reading assignments, or the conclusions of small-group discussions to their learning diary (maximum half a page a session). The use of learning diaries throughout the course aims at fostering students' learning process and reflective thinking.[54] We are convinced that the learning diary could encourage students to track their own progress, and reflect on various questions concerning comparative legal research, the quality of different practical examples of comparative legal research, as well as their own learning and research process. Most importantly, these activities should facilitate writing of the final assignments.

Here we follow the principles of *constructive alignment*.[55] The pre-assignments, activating exercises and three final assignments throughout the course aim at building up students' knowledge base and sparking reflection on challenges and opportunities of comparative legal research. The goal of the series of assignments is metacognitive understanding and application of theory learned during the class to students' own research. The aim is that students at the

[52]Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review* (5th edn, Foundation Press 2016).

[53]Wayne C Booth, Gregory G Colomb and Joseph M Williams, *The Craft of Research* (3rd edn, University of Chicago Press 2008).

[54]Kirsti Lonka and Elina Ketonen, "How to Make a Lecture Course an Engaging Learning Experience?" (2012) 2(2–3) Studies for the Learning Society 63.

[55]Keith Trigwell and Michael Prosser, "Qualitative Variation in Constructive Alignment in Curriculum Design" (2014) 67 Higher Education 141.

end the course will be "able to use the taught content in order to reflect on their own [learning], evaluate their decisions made in the classroom in terms of theory, and thereby improve their decision-making and practice".[56]

4.3. Scientific way of thinking and epistemic development

An inquiry-based teaching of comparative law is intimately connected with development of the *scientific way of thinking*, which includes critical thinking, evidence-based reasoning, epistemic understanding of knowledge creation and research skills situated in the context of legal scholarship.[57] We seek to develop students' research competences starting from the *declarative understanding* of the most central concepts of scientific research and research methodology through *procedural skills* to conduct research and participate in scientific knowledge construction.[58]

To compare means to examine the character or qualities of something especially to discover resemblances or differences, and to view a research subject in relation to something. For us it means to observe similarities and differences and to find legal and extra-legal reasons for these similarities and differences. This must be done according to some, even if simple procedures to collect and analyse data used by the researcher to answer their research questions. By default, when students learn the traditional approach to comparative law, they receive guidance on how research should be conducted.[59] However the course, as proposed, goes beyond traditional functionalism, viewing comparative law as more closely related to social sciences than to normative inquiry typical in legal research.[60] Here a tension between a scientific way of thinking and the traditional legal thinking might emerge. Thus, to boost critical legal thinking and overall scientific level of thinking beyond mere research skills, *epistemic understanding* is necessary, in other words, skills to understand the nature and sources of knowledge.[61] This led us to include in our teaching content the broad intellectual spectrum of comparative research methodology.

The teaching trajectory mirrors the evolution of comparative law, its goals and subjects, which should facilitate development of students' epistemic understanding of legal research and knowledge creation (see Table 1). We start with exploration of macro-constructs – legal families and cultures,

[56] Biggs (n 50) 152.
[57] Salmento and Murtonen (n 4).
[58] Heidi Salmento, Mari Murtonen and Margaret Kiley, "Understanding Teacher Education Students' Research Competence through Their Conceptions of Theory" (2021) 6 Frontiers in Education, Article 763803.
[59] Jaakko Husa, "The Traditional Methods of Comparative Law" in Mathias Siems and Po Jen Yap (eds), *The Cambridge Handbook of Comparative Law* (Cambridge University Press 2023).
[60] Esin Örücü, "Developing Comparative Law" in Esin Örücü and David Nelken (eds), *Comparative Law: A Handbook* (Hart Publishing 2007) 43–64.
[61] Salmento, Murtonen and Kiley (n 8) 1–9.

shedding light on the historicism and the evolutionary paradigm of nineteenth-century comparative endeavours. We teach students to deconstruct and critically assess different classificatory categories and schemes in reference to works by eg Farran and Örücü,[62] Du Plessis,[63] Glenn,[64] Nelken[65] and Cotterell.[66] This is followed by a broader dive into different methods to study law and different techniques of comparative legal research. First, we explore the twentieth-century traditional approaches to comparative research based on functionalism. By exploring different blueprints of comparison – including the functional blueprint by Zweigert and Kötz[67] or Eser,[68] and methodological choices of technical and theoretical nature by Husa[69] – students reflect on whether there is a clear formula for comparative legal research. Subsequently, we move to the discussion of the legal transplants[70] and legal irritants[71] theories asking whether the formula is enough to understand the legal complexity of the world. While the traditional approaches to comparative law focus on the technical function of comparative law, the postmodern approaches highlight the impossibility of legal transplants and legal convergence[72] rooted in diverging and incommensurable, cultural frameworks. Questioning the applicability of specific moral and legal standards to other cultures by comparatists and lawmakers, they instead emphasised the critical potential of comparative research to uncover hidden purposes, meaning and themes within one's own cultural frameworks of comparatists.

The emphasis on the evolution of comparative research methodology highlights the uncertain, unstable and created nature of scientific and legal knowledge. Recognising this uncertainty – and the corresponding need to adhere to specific rules and principles to ensure trustworthiness – can enhance scientific thinking at the highest epistemic level.[73] While this might pose an unrealistic standard for undergraduate students, in our view awareness of several types of methods or approaches applied within comparative research methodology exposes students to the value-laden

[62]Sue Farran and Esin Örücü, *A Study of Mixed Legal Systems: Endangered, Entrenched or Blended* (Routledge 2014).
[63]Jacques Du Plessis, "Comparative Law and the Study of Mixed Legal Systems" in Mathias Reimann and Reinhard Zimmermann (eds), *The Oxford Handbook of Comparative Law* (2nd edn, OUP 2019) 474–501.
[64]H Patrick Glenn, *Legal Traditions of the World: Sustainable Diversity in Law* (Oxford University Press 2000).
[65]David Nelken, "Using Legal Culture: Purposes and Problems" in David Nelken (ed), *Using Legal Culture* (Wildy, Simmonds and Hill 2012) 1–51.
[66]Roger Cotterell, *Law, Culture and Society: Legal Ideas in the Mirror of Social Theory* (1st edn, Routledge 2006).
[67]Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law* (Tony Weir tr, 3rd edn, OUP 1998).
[68]Eser (n 32).
[69]Jaakko Husa, *A New Introduction to Comparative Law* (Hart Publishing 2015).
[70]Heikki Pihlajamäki, "Legal Transplants" (2024) 11 EViR Working Papers 103.
[71]Teubner (n 20).
[72]Pierre Legrand, "The Impossibility of 'Legal Transplants'" (1997) 4 Maastricht Journal of European and Comparative Law 111.
[73]Salmento, Murtonen and Kiley (n 8) 1–9.

character of every research endeavour. Moreover, the added value of such an approach rests in encouraging deeper analysis of the working of law and power in society.[74] However, the challenge for an educator is to do it without discouraging the students.

5. Implementing pedagogical principles: intended learning outcomes vs. students' final assignments

In this paper, we argue that to boost students' critical thinking about law as a social and political phenomenon, a deep approach to learning is necessary. This, in turn, can be achieved in the research process and guidance oriented towards epistemic development and increase in methodological awareness. We view comparative legal research as a tool to develop students' understanding of legal knowledge and knowledge production with the purpose of enhancing critical thinking skills. We strive to increase methodological awareness, considering the research process as a learning process itself. In simpler terms, we assume that engaging with proper methods of comparative legal research grounded in theoretical underpinnings contributes to students' critical intellectual distance and epistemological scepticism about their own legal system. Moreover, we argue that the knowledge of contradicting theories within the field and evolution of different approaches to the same subject should support the students' development of epistemic understanding. Thus, revealing relativity of knowledge, by giving students the opportunity to choose and justify which theories they want to follow, we begin to build "a commitment to certain knowledge on the basis of his or her own judgements".[75]

Conscious implementation of the pedagogical principles signposted above has led us to following intended learning outcomes: to boost methodological awareness, foster epistemic development, provide deep learning experience and facilitate critical thinking skills. In this section, we reflect on how our expectations of reaching these learning outcomes translate into students' final assignments. In our view, the development we can observe from students' first research idea, through the research plan to the final paper, reveals the extent of conceptual change and ability to understand how students could construct their own knowledge using comparative methodology.

Through observation-analysis, we realise repeating patterns during the courses implemented between 2020 and 2025. Most papers show clear engagement and enthusiasm towards research topics; however, the

[74] For example Dean Braa and Peter Callero, "Critical Pedagogy and Classroom Praxis" (2006) 34 Teaching Sociology 357.

[75] Salmento and Murtonen (n 8) 33.

approach to the comparative methods and, especially, their theoretical underpinning varies. For their assignments students have chosen diverse topics ranging from attribution of liability for AI copyright infringements, patent litigation, reproductive rights, child's best interest principle, state responsibility in case of sexual abuse of minors, through nuclear licensing, fundamental questions of the death penalty, the *ne bis in idem* principle, decriminalisation of euthanasia, labour rights and privacy in working life, all the way to the constitutional questions of independence referenda.

5.1. Basic challenges of legal research

While the motivation towards the chosen topics, and social significance of these, is generally well founded and established, our evaluations of students' assignments show some difficulties in recognising the difference between practical problems and conceptual research problems. In this context, we are under the impression that the most common struggles correspond with *basic challenges connected to legal research*. These include the difficulties in stating and refining the research question, after the research has led to modifications. In general, in some papers the methodology and research questions remain underdeveloped even after feedback from teachers and peers, which also suggests that methodology in general is challenging. Many students seem to have difficulties in stating what the research gap is and distinguishing the overall aim of their research from the main research and sub-research questions. Thus, even when this course is not designed to teach basic research methods to draft research questions, among other basic skills and principles of research, it has been necessary to reinforce research skills to allow better understanding of comparative methodology.

5.2. Methodological challenges of comparative legal research

The basic *methodological challenges* faced by undergraduate students inexperienced in research are then enhanced in the context of comparative legal research. In some cases, the students overfocus on the research process, without considering the comparative methodology behind it. Others seem to have difficulty in distinguishing between the basic comparative question, which aims at statement and explanation of similarities and differences, and their specific argument concerning the research topic. Furthermore, some comparisons, although well executed, lack understanding of the added value of comparison, and justification of the comparison between particular normative systems or jurisdictions. In other words, the students had trouble grasping what they want to achieve with their comparison, who should learn from the comparative endeavour and what they should learn.

Most papers highlight the need for harmonisation and/or balancing of rights as the rationale or purpose of the comparison itself. In this context, students seem to understand that comparative law and critical thinking can lead to finding balance. While these are rightly fitting for the use of the methodology, and denote a clear critical thinking pattern, it is interesting that understanding why harmonisation should take place is not necessarily well established. In addition, while students seem to show understanding of different goals of comparative research, including the goal to deepen legal understanding, the papers suggest a keen interest in identifying a better law, almost obsessively.

Overall, the process of understanding and explaining how to systematically use the comparative methodology to support the realisation of their research question was a challenge for most students. While in many final papers the employed methods are clearly defined, with sufficient explanation of how application of these methods may aid the research process and contribute to answering research questions, still many students lose connection to the methodology during their paper. In principle, this means that comparative methodology remains decorative. This should not come as a surprise given that similar shortcomings are often to be found in law reviews published by experienced legal scholars. Indeed, there is a well-acknowledged disconnection between methodological divagations on comparative legal research, and substantive comparison.[76]

These challenges could be associated with the struggle in identifying the *yardstick of comparison*, ie a clear benchmark for comparison. The main purpose of traditional comparative law – underpinned by the universalist idea of law – has been to enhance legal unification across different jurisdictions. This goal necessarily influences the "proper research process" of comparative law, that starts from the assumption of similarity, viewing legal diversity as an obstacle.[77] To achieve an external point of view and comparability of rules the comparison should be carried out by means of carefully constructed conceptual-analytical frameworks called *tertium comparationis*.[78] However, as is widely accepted, in practice constructing classificatory schemes without system-specific labels and bias towards one's own legal system proves to be difficult.

Returning to assessment within our course, when the aim has been to identify similarities and differences, it is common to read eager comparisons to national systems without the needed systematic description of the systems in question. Instead, there is an assumption that comparison can be carried

[76]Susanne Beck, "Meditating the Different Concepts of Corporate Criminal Liability in England and Germany" (2010) 11 German Law Journal 1093.

[77]Husa (n 60).

[78]Örücü (n 61); Esin Örücü, "Methodology of Comparative Law" in Jan M Smits (ed), *Elgar Encyclopedia of Comparative Law* (2nd edn, Edward Elgar Publishing 2012) 560–576.

out from the get-go. Paradoxically, relating those similarities and differences to social and historical contexts can be found in these comparative exercises. Still, while the majority of the papers follow the beginning of a comparative blueprint that includes stating the comparative problem, citing corresponding country reports, and a cross-comparative section, not many papers go beyond listing the similarities and differences, attempting an explanation and evaluation of comparative findings.

In terms of applied method of comparison, the main method of analysis remains a functional approach – ie a search for equivalent legal solutions to solve similar social problems. However, the method is usually supplemented by the law-in-context approach. The understanding of the context varies. While some papers remain within the remits of the historical and broader legal context, others begin to include social, cultural and religious elements of the context of compared jurisdictions. Selected papers utilise in addition theories of comparative law discussing issues of legal transplants, legal irritants and legal formants. Importantly, at a more advanced level, those students excelling in basic methodological challenges had trouble distinguishing between the applied method and the theoretical framework. This is not a surprising outcome given that many experienced legal scholars, including comparative law scholars, often mix or overlook the distinction between method, methodology and theories underpinning their comparison. Yet methodological awareness is of utmost importance to overcome challenges inherent to every comparative project.

The possibility for a comparatist to epistemically detach themselves from preconceptions of their own legal system has been challenged by critical scholars, denying the possibility of an external point of view to compare and assess legal solutions and the idea that *tertium comparationis* would ensure neutrality and objectivity of such research.[79] Furthermore, rejecting universality of reasoning, judgement and concepts, these critical perspectives appreciate plurality and difference as a starting point of critical comparison. Consequently, in the critical and postmodern standard comparison must have not a unifying but a multiplying effect.[80] Otherwise, comparative law would remain a biased, ethnocentric and ideological project[81] aiming either at exclusion or appropriation of foreign laws – the Other – according to the familiar (Western) standards.

By teaching students the trajectory of development of comparative law from universalist search for similarities, to critical studies oriented towards

[79]\Vivian Grosswald Curran, "Dealing in Difference: Comparative Law's Potential for Broadening Legal Perspectives" (1998) 46 American Journal of Comparative Law 657.

[80]Pierre Legrand, "European Legal Systems Are Not Converging" (1996) 45 International and Comparative Law Quarterly 52.

[81]David W Kennedy, "New Approaches to Comparative Law: Comparativism and International Governance" [1997] Utah L Rev 545.

experience of plurality and difference and pointing to the biased and hegemonic nature of classic comparative approaches, we aim at enhancing their epistemic understanding of the relativity of scientific and legal knowledge. Yet, despite our hopes, most final assignments follow the traditional methods of comparative law, focusing on doctrinal methods of analysis and classic legal sources – positive law and case law, with limited reference to the extra-legal context. On the other hand, some papers compare draft laws and citizens' legislative initiatives, and case law and reference social, historic, political and economic context to ground their findings. To this end, it is possible to see a successful understanding of the scope of research needed in this methodology. Additionally, research limitations are generally clearly defined, hence demonstrating deeper understanding of the challenges of comparative legal research.

6. Concluding discussion

The evolution of comparative law is marked by methodological and substantive expansion.[82] Consequently, the opinions on what constitutes meaningful comparison, and by extension how far one should delve into extra-legal context in comparative legal research, vary. Our starting point for this paper, as well as our teaching, is that if applied in a critical way, a comparative approach might provide law students with epistemological tools to better understand, critically assess and test their previous legal knowledge by way of comparison, focusing on the prevalence of certain discourses, language of the law, and the context in which it operates. This implies a broader understanding of context and the development of methods and theories, alongside enhanced awareness of diversity in legal and scientific thinking. On the other hand, as many have noted, under the influence of extensive theoretical deliberations on theories and methods of comparative law, "proper" comparison became an almost incommensurable task. Pushing the understanding of the context further away from the positivist framing of what constitutes law poses an almost unrealistic standard of research.[83] Furthermore, shifting away from traditional comparative legal research methods might be more challenging for undergraduate students accustomed to traditional methods of legal reasoning, but also for teachers – us – when passing on the knowledge.

In this paper, we outlined our attempt to boost a deep learning approach and enhance epistemic understanding through the teaching of comparative research methodology. In addition, we pointed out how we apply

[82] Husa (n 60).

[83] Christoph Engel, "Challenges in the Interdisciplinary Use of Comparative Law" (2021) 69 (4) The American Journal of Comparative Law 777; Peters and Schwenke (n 1).

pedagogical theories, in particular how we develop students' research skills at the epistemic and practical level, in teaching comparative legal research. Yet the results from the course assignments reveal a pattern of the existing challenges in implementing the intended learning outcomes. These challenges are partly applicable to the lack of adequate pedagogical methods of teaching comparative legal research, and possibly our own biases. While comparative law literature addresses methodological challenges, biases and limitations, the practical, pedagogical approaches to teaching comparative research methodology are scarce. Simultaneously, much of the existing research on comparative law assumes the interplay between theory, method or techniques of comparison, ie the methodology of comparative legal research, without explaining how these concepts are understood and applied.

Against this backdrop, we argue that students might benefit from a toolkit of implementation or clearer parameters containing the ABC of comparative law; this in essence is a profound gap we have found in literature, and furthermore in teaching the methodology.[84] From a comparative perspective, it is interesting to find in American literature coursebooks dedicated to legal writing and research building. However, with some notable exceptions[85] this is not so common in EU literature. The lack of a clear methodological toolkit has been conveniently explained by the impossibility of a one-size-fits-all method. The blueprints of comparison come closest to such a toolkit, yet they seem too vague for students to grasp. Thus, many papers show a disconnection between the blueprint and "applied" theories of comparative law. The prevailing flexible approach, where the method of comparison will depend on the aims and research question of each comparative project, while beneficial for more experienced researchers, proves challenging for students accustomed to the traditional legal doctrinal method. We believe that by defining the objectives of applied methods and theories, and by reflecting on the limitations of this approach, undergraduate students begin to develop pluralistic and critical thinking without fear of inadequate use of methodology. By understanding the distinction between theories, methods and techniques students should be able to better grasp the purpose and scope of their research, evaluate their own theoretical and methodological choices and assess their appropriateness to answer specific research questions and address conceptual and practical problems in a more systematic manner.

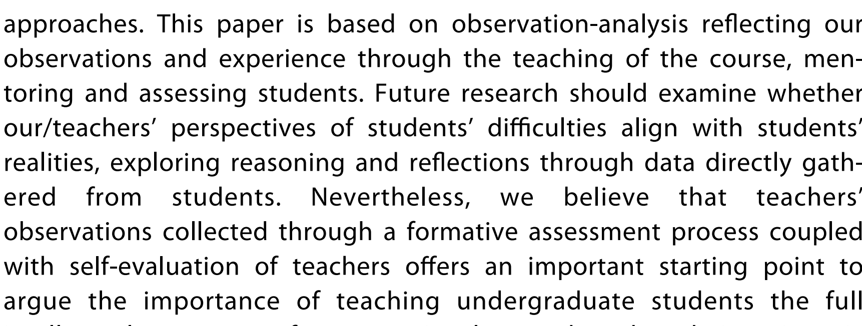
In line with this, we argue that to foster context-conscious legal practitioners, it is necessary to raise awareness about the shortcomings of various comparative and legal methods already at the undergraduate level of legal

[84]Susanne Beck, "Meditating the Different Concepts of Corporate Criminal Liability in England and Germany" (2010) 11 German Law Journal 1093.
[85]Laura Lammasniemi, *Law Dissertations: A Step-by-Step Guide* (Routledge 2021).

education. Thus, our intended learning outcomes are oriented towards development of students' scientific thinking, in parallel with experience of contradictions, evolution and diversity in legal thinking. To this end, we draw special attention to critical and postmodern methods to study law as a social and political phenomenon. Still, despite our hopes, most final assignments follow the traditional methods of comparative law, focusing on doctrinal methods of analysis and classic legal sources – positive law and case law, with limited reference to the extra-legal context. This tendency could be, *on the one hand*, explained by the content of our teaching, in which we propagated a multilayered approach to comparison, frequently returning to basic parameters of functional method and the search for the social function of laws as a starting point and heuristic principle for comparative legal research. *On the other hand*, many of our students begin our course at a later stage of their undergraduate education, already trained in traditional legal methods – focusing on the Black-letter question of what legal rules and principles apply to different facts, problems and cases, and how. In this context, to aid successful use of comparative methodology while fostering critical thinking, it is fitting to wonder about the timing to teach methodology to law students. In other words, should methodology courses in general be taught at an early stage of the legal curriculum – in the first or second year – to better foster critical legal thinkers? Currently, specialisation courses aiming at deeper learning processes are available from the last year of bachelor's degree, and not earlier. For instance, courses that enhance students' ability to recognise and experience law beyond the text[86] remain elective and might come a bit too late to change students' perceptions of law and the legal profession as objective, natural study of positive legal sources.

It is a well-acknowledged issue that mainstream legal studies and education are traditionally conservative systems raised on a fundament of legal certainty and thus path-dependent and relatively resistant to change.[87] Nonetheless, considering current and future challenges faced by our society, we view critical legal thinking through comparative legal research as a valuable tool that contributes to the evolution of legal education. Admittedly, many final assignments clearly set limitations of their research, showing understanding of the challenges of comparative legal research and their own biases, which is a first and crucial step in developing pluralistic and critical thinking about law as a social and political phenomenon. Still, more research from the perspective of students is needed to better understand the correlation between deep learning, teaching methodology and research-based

[86]Tedeschi, Aalto and Verdu Sanmartin (n 45).
[87]Eva Micheler, "English and German Securities Law: A Thesis in Doctrinal Path Dependence" (2007) 123 Law Quarterly Review 251; Husa (n 60).



approaches. This paper is based on observation-analysis reflecting our observations and experience through the teaching of the course, mentoring and assessing students. Future research should examine whether our/teachers' perspectives of students' difficulties align with students' realities, exploring reasoning and reflections through data directly gathered from students. Nevertheless, we believe that teachers' observations collected through a formative assessment process coupled with self-evaluation of teachers offers an important starting point to argue the importance of teaching undergraduate students the full intellectual spectrum of comparative law to broaden their epistemic understanding, and, second, the need to provide clear tools for implementing these methods and theories.

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