

Bilingual Legal Education in Mexico: Studying the Native Languages and Looking at Global Law



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1 Introduction. Some Data About Mexico

In this research, we analyze the situation of bilingual legal education in Mexico: a path formed between two branches, on the one hand, to study and understand the law with a multi-cultural approach that includes the vision of Mexican ethnic groups, and on the other, to look at global law, especially the law of the United States of America, the main commercial partner of Mexico. This involves teaching law in the indigenous languages of Mexico on the one hand, and studying law in the English language, on the other.

First, we present some data about Mexico, regarding its population, territory and languages spoken. Subsequently, data of law students in Mexico and schools are shown, with the purpose of analyzing the situation of legal education in Mexico. Then, we describe the *Master in American Law*, an example of bilingual legal education in Mexico, taught at the National University, indicating the characteristics and challenges of it. Finally, we will present some conclusions about how to advance in this bilingual legal education to train better legal professionals in Mexico.¹

Mexico is a Federal Republic composed of 31 territorial entities called States and Mexico City, seat of federal powers. It has a territorial extension of 1,964,375 km².

It has a population of 112,336,538 inhabitants according to the last population census of 2010, (119,530,753 people estimated in 2015). The composition of the population of Mexico includes:

¹I thank Professor Juan Javier del Granado, coordinator of the “Masters in American Law” of the UNAM, who provided me with information about the course, which has been captured in this writing.

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- mestizo race person 60%,
- indigenous 30%,
- white 9%,
- another 1%

The official languages are Spanish (Castilian) and 68 indigenous languages, called “linguistic groupings”, and are the following: Akateko, Amuzgo, Awakateko, Ayapaneco, Cora, Cucapá, Cuicateco, Chatino, Chichimeco Jonaz, Chinanteco, Chocholteco, Chontal de Oaxaca, Chontal de Tabasco, Chuj, Ch’ol, Guarijío, Huasteco, Huave, Huichol, Ixcateco, Ixil, Jakalteko, Kaqchikel, Kickapoo, Kiliwa, Kumiai, Ku’ahl, K’iche ‘, Lacandón, Mam, Matlatzinca, Maya, May, Mazahua, Mazateco, Mixe, Mixteco, Nahuatl, Utcoco, Otomí, Paipai, Pame, Pápago, Pima, Popoloca, Popoluca de la Sierra, Qato’k, Q’anjob’al, Q’eqchí, Sayulteco, Seri, Tarahumara, Tarasco, Teko, Tepehua, Tepehuano del Norte, Tepehuano del Sur, Textepequeño, Tlahuica, Tlapaneco, Tojolabal, Totonaco, Triqui, Tseltal, Tsotsil, Yaqui, Zapotec and Zoque.²

It is estimated that in 2015 there were 7,382,785 people aged 3 years and over who speak an indigenous language. The languages with the highest number of speakers are: Nahuatl, Maya and Tseltal. At the national level, it is estimated that 7 out of every 100 inhabitants of 3 years and older speak an indigenous language.³ This is 7% of the population.

Regarding the number of people who speak English in Mexico, according to estimates from the National Institute of Statistics and Geography (INEGI), the population over 18 who speak English is approximately 9.4% of the population.⁴

2 The Teaching of Law

2.1 Universities and Law Students

In Mexico there are 1770 Higher Education institutions (universities) that offer a degree in Law. Of these, 146 are public (federal and state universities) and 1624 are private universities.⁵

²Instituto Nacional de Lenguas Indígenas (INALI) [National Institute of Indigenous Languages], <http://www.inali.gob.mx/clin-inali/#agrupaciones>.

³Instituto Nacional de Estadística y Geografía (INEGI) [National Institute of Statistics and Geography], “Hablantes de lengua indígena en México”, <http://cuentame.inegi.org.mx/poblacion/lindigena.aspx?tema=P#uno>.

⁴Instituto Mexicano para la Competitividad, A.C. [Mexican Institute for Competitiveness] *Inglés es posible; Propuesta de una Agenda Nacional*, undated, p. 17. Available at: http://imco.org.mx/wp-content/uploads/2015/04/2015_Documento_completo_Ingles_es_posible.pdf.

⁵Nava Arroyo, Ana Cecilia and others, “Infografía Las Escuelas de Derecho en México 2016”, Centro de Estudios sobre la Enseñanza y el Aprendizaje del Derecho, A.C., [Center for Studies on Teaching and Law Learning], [Online]. http://www.ccead.org.mx/infografia_ies.html.

Table 1 Universities in Mexico that teach Law

| Public | Private | Total |
|--------|---------|-------|
| 146 | 1624 | 1770 |

Source: Center for Studies on the Teaching and Learning of Law (2017)

Table 2 Students in Mexico who study Law

| Men | Women | Total |
|---------|---------|---------|
| 176,232 | 178,521 | 354,753 |

Source: National Association of Universities and Institutions of Higher Education (ANUIES)

Table 3 Students at the UNAM who study Law (2016)

| Men | Women | Total |
|------|-------|--------|
| 5498 | 6105 | 11,603 |

Source: National Association of Universities and Institutions of Higher Education (ANUIES)

Table 4 Students at the UNAM Law School

| Undergraduate | Postgraduate | Total |
|---------------|--------------|--------|
| 11,856 | 1002 | 12,858 |

Source: UNAM 2016 statistical agenda

Table 5 Foreign and national students at the UNAM Law School

| | Nationals | Foreign |
|-----------------------------------|-----------|---------|
| Bachelor's degree (undergraduate) | 98.86% | 1.14% |
| Master's (postgraduate) | 99.6% | 0.4% |
| Doctorate (postgraduate) | 95.7% | 4.3% |

Source: Own elaboration with data obtained

The number of students of the law degree in 2016 was 354,753, of which 176,232 are males and 178,521 women (Tables 1, 2, 3, 4, and 5).⁶

⁶“Anuario Educación Superior Licenciatura 2015–2016”, *Anuarios Estadísticos de Educación Superior*, Asociación Nacional de Universidades e Instituciones de Educación Superior (ANUIES) [National Association of Universities and Institutions of Higher Education], [Online].<http://www.anui.es.mx/informacion-y-servicios/informacion-estadistica-de-educacion-superior/anuario-estadistico-de-educacion-superior>.

In 2003 it was 203,149 students. Fix-Fierro, Héctor Felipe, “¿Muchos abogados, pero poca profesión? Derecho y profesión jurídica en el México contemporáneo”, en *Del gobierno de los abogados al imperio de las leyes: estudios sociojurídicos sobre educación y profesión jurídicas en el México contemporáneo* / Héctor Fix-Fierro, editor -- México: UNAM, Instituto de Investigaciones Jurídicas, 2006, p. 5. [Available online: <https://biblio.juridicas.unam.mx/bjv/detalle-libro/2261-del-gobierno-de-los-abogados-al-imperio-de-las-leyes-estudios-sociojuridicos-sobre-educacion-y-profesion-juridicas-en-el-mexico-contemporaneo>].

The main educational institution in Mexico is the National Autonomous University of Mexico (UNAM), whose enrollment of law students in 2016 was: 11,603 students (5498 males and 6105 females).⁷

In 2017, the Law School of the UNAM (*Facultad de Derecho de la UNAM*) had a population of 11,856 undergraduate students (undergraduate) and 1002 postgraduate students (Masters and PhD).⁸

2.2 Foreign Students and Visiting Professors

In the Faculty of Law (*Facultad de Derecho*) of the UNAM, the most important law school in the country, the number of foreign students is even lower. In 2016, 101 foreign exchange students were received, who studied a semester at the UNAM.⁹

This indicates that the proportion of foreign students is just 1.14%.

In the Postgraduate Studies, the proportion is 99.6% of national students and 0.4% of foreign students in the Master of Law; and of 95.7% of national students and 4.3% of foreign students, in the Doctorate in Law.¹⁰

There are 40,184 academics throughout the UNAM, and in 2015, 300 foreign visiting professors were received.¹¹ Which means that approximately 0.74% are foreign teachers.

Regarding the Faculty of Law of the UNAM, the proportion is similar, that is, less than 1% are foreign professors.

⁷“Anuario Educación Superior Licenciatura 2015–2016”, *Anuarios Estadísticos de Educación Superior*, Asociación Nacional de Universidades e Instituciones de Educación Superior (ANUIES), [Online]. <http://www.anui.es.mx/informacion-y-servicios/informacion-estadistica-de-educacion-superior/anuario-estadistico-de-educacion-superior>.

⁸*Agenda estadística UNAM 2016*, [Online]. <http://www.planeacion.unam.mx/Agenda/2016/pdf/Agenda2016.pdf>, p. 16 y 18.

⁹According to the annual report of the dean of the Faculty of Law of the UNAM, the Faculty received a total of 443 students, of which 23% were foreigners [that is 101 students]; 39% of national origin from other institutions of higher education; and 38% were students from other Faculties of the UNAM itself. *Primer Informe de actividades del Dr. Raúl Contreras Bustamante Director de la Facultad de Derecho UNIVERSIDAD NACIONAL AUTÓNOMA DE MÉXICO*, Miércoles 29 de marzo de 2017 Aula Magna “Jacinto Pallares”, [Online] <http://www.derecho.unam.mx/img/pdf/informe.pdf>, pp. 26–27.

¹⁰*El Posgrado en la UNAM en cifras: reporte de avances y perspectivas 2015*, México, D.F.: Coordinación de Estudios de Posgrado, 2015, [Online] http://www.posgrado.unam.mx/sites/default/files/2015/10/el_posgrado_en_cifras.pdf, p 89.

¹¹Universidad Nacional Autónoma de México. *Portal de estadística universitaria*, [Online] <http://www.estadistica.unam.mx/numeralia>.

At the UNAM Law School, the main foreign nationalities represented in the students are Colombians, being the largest group, as well as Spaniards, Peruvians, Canadians, Americans, to name a few.¹²

In 2016, there were 1293 visiting professors from abroad at the UNAM; of a total of 40,184 academics,¹³ what amounts to a 3.22%.

Regarding the UNAM Law School, there is no precise information about visiting professors, but in the opinion of the dean, their presence is very important and must be encouraged.¹⁴

Because the number of foreign students and professors is still limited, in the School of Law of the UNAM there is no bilingual legal education program.

However, in the field of Postgraduate Studies in Law, the Institute of Legal Research (*Instituto de Investigaciones Jurídicas*) of the UNAM has a “*Master’s Degree in American Law*” which is taught in four semesters, whose content is equivalent to the *Juris Doctor* taught in the United States, but offered in Mexico. This program is aimed at Mexican students who want to be more than bilingual lawyers: “bi-legal” lawyers.¹⁵

In the case of the Master of American Law, all professors are residents of Mexico, although there is a professor of American origin.

3 Towards a Bilingual Legal Education

3.1 Intercultural Universities

In the area of undergraduate education, the Bilingual Legal Education in English language no attempt was made to initiate perhaps because the number of foreign students, or nationals who are fluent in English or another foreign language, is even lower.

¹²There is no accurate information. Although, in 2016 UNAM in general received students from 32 countries (Australia, Germany, Argentina, Brazil, Belgium, Bolivia, Canada, South Korea, Costa Rica, Colombia, Chile, China, Denmark, Ecuador, United States), Spain, France, Finland, Greece, Honduras, Italy, Japan, Norway, the United Kingdom, the Czech Republic, Russia, the Dominican Republic, Puerto Rico, Serbia, Sweden, Switzerland and Peru) but they do not have the data with precision about which they attended to the Faculty of Law. Bulletin UNAM-DGCS-053. University City. 3:00 p.m. January 24, 2017. Available: http://www.dgcs.unam.mx/boletin/bdboletin/2017_053.html.

¹³“LA UNAM EN NÚMEROS 2016–2017”, *Portal de Estadística universitaria [University Statistics Portal]*, [Online] <http://www.estadistica.unam.mx/numeralia>.

¹⁴Contreras Bustamante, Raúl, *Facultad De Derecho U N A M; Proyecto de Trabajo. Período 2016–2020*, [Online] <https://www.derecho.unam.mx/director/ContrerasBustamantePlanTrabajo.pdf>, p. 31.

¹⁵The call for entry to the Master was published in January 2017, available at: <https://www.juridicas.unam.mx/actividades-academicas/1117-maestria-en-derecho-estadounidense>.

However, in populations where there is an indigenous majority, so-called “intercultural universities” have been implemented, which teach classes in Spanish (Castilian), but incorporate some indigenous languages into the substantive functions, becoming bilingual schools.

As indicated, in Mexico there are 68 indigenous languages; so, the 7% of the population of Mexico speak an indigenous language.

According to information from the Ministry of Public Education (federal ministry of education), there are 11 intercultural universities located in 11 states of the Republic, with 14,008 students enrolled in 2015–2016.¹⁶ Among them, the Intercultural University of Chiapas, Intercultural University of the State of Tabasco, Intercultural University of the State of Puebla and the Veracruzana Intercultural University have a degree program in Law with an intercultural approach.¹⁷

3.2 *The Master in American Law*

And as previously noted, there is the “Master’s Degree in American Law” taught by the Institute of Legal Research of the National Autonomous University of Mexico (*Instituto de Investigaciones Jurídicas de la UNAM*), the Illustrious and National Bar Association of Mexico (*Ilustre y Nacional Colegio de Abogados de México*), and the School of Law of Sinaloa (*Escuela Libre de Derecho de Sinaloa*). The Master’s Degree in American Law is a postgraduate program that is an example of bilingual legal education in Mexico.

They constitute a postgraduate course, therefore, different from the undergraduate.

All the teachers are local and they teach the classes in both languages, but in English the own and specific institutions of the American common law are taught. The professors are Mexicans, except for the coordinator of the Master’s Degree, who is American resident in Mexico, researcher at the National Autonomous University of Mexico.

This bilingual legal education program began in 2011 as an initiative of the law professors Hector Fix-Fierro, at that time director of the Institute of Legal Research of the National Autonomous University of Mexico (national public university), and Oscar Cruz Barney, at that time president of the Illustrious and National Bar Association of Mexico (national association of Mexican lawyers); with the idea of studying the legal system of the United States of America. The objective of the Master’s Program is to train Mexican jurists to advise companies, offices and

¹⁶“Universidades Interculturales”, Secretaría de Educación Pública [Ministry of Public Education] [Online] <http://eib.sep.gob.mx/diversidad/universidades-interculturales/>.

¹⁷For example, at the Intercultural University of Chiapas, the degree course in law has six semester courses of “Native Language”. Universidad Intercultural de Chiapas, “Plan de Estudios de la Licenciatura en Derecho Intercultural” [Online] http://www.unich.edu.mx/wp-content/uploads/2017/06/DERECHO_VUELTA.jpg.

organizations in the United States, which carry out activities in Mexico or Latin America.

Similarly, this program allows a comparative law study to understand and improve local legal institutions, based on the experience of the compared country, in this case: United States.

This Master has had many applications for admission to the Program. However, it is clarified to the students that this Master's degree does not accredit them to practice law in the United States, nor to present the Exam before the Bar of that country.

Nor is it aimed at people who want to live in the United States, because for that, they are recommended to take a Juris Doctor in a university in that country.

The areas of law that are taught in a foreign language are: Private Law, Commercial Law, History of Law, Constitutional Law, Administrative Law, Procedural Law, Legal Methodology, Legal Deontology, International Commercial Law are studied.

The curriculum of the Master in American Law is composed by the following subjects:

First semester.

- 1.1. History of the Anglo-American Legal System.
- 1.2. United States Contracts Law I.
- 1.3. United States Torts Law.
- 1.4. United States Property Law I.

Second semester.

- 2.1 Methodology and Legal Writing in the Anglo-American Legal System.
- 2.2 United States Contract Law II.
- 2.3 United States Corporate Law.
- 2.4 United States Property Law II.

Third semester.

- 3.1 American Civil Procedure.
- 3.2 United States Constitutional Law.
- 3.3 American Administrative Law.
- 3.4 Uniform Commercial Code.

Fourth semester.

- 4.1 United States Evidence Law.
- 4.2 Professional Responsibility in the Anglo-American Legal System.
- 4.3 American Criminal Law.
- 4.4 Federal Immigration Law and NAFTA.

In the teaching and evaluation of American law the professors use the same methods that are used in the United States, that is, the case method for teaching, and the evaluation through written exams, under the system of "blind grading", that is, the teacher at the time of qualifying the exam, you do not know who the exam is, to guarantee impartiality and objectivity in the qualification.

The selection of professors has been carried out among researchers from the Institute of Legal Research of the UNAM.

The textbooks (casebooks) of the subjects have been purchased directly from the publishers of the United States; as well as specific texts have been developed for the course.¹⁸ The same texts are used, as if they were studied in the United States.

All students are Mexican, who speak fluently the English language.

3.3 Advantages of Bilingual Legal Education in Mexico

We find that students are more competitive in the work force as a result of having received bilingual legal education; the students are more competitive, because they can be hired by companies, associations or other foreign institutions that carry out activities in Mexico and Latin America, since the students are experts in Mexican Law (Civil Law) and United States Law (Common Law) in a globalized world.

Otherwise, such training could only be acquired if the student studied law in Mexico and the United States, and then returned to practice law in Mexico. Something complicated for Mexican lawyers.

The bilingual legal education in Mexico has been an improvement, as interest in teaching American law has increased. Now it is proposed to teach the Master in other States of the Mexican Republic.

This Master began with the idea of being only a Diploma, however, due to the interest of students and academic institutions, it became a Master's course.

In addition, the School of Law of Sinaloa (*Escuela Libre de Derecho de Sinaloa*), a private university, was associated as an organizing institution.

Also, there has been a desire to be taught in the border of the country, since this Master's had been taught only in Mexico City, but from August 2018 will also be taught in the city of Tijuana, Baja California.

The Master in American Law is oriented to solve the needs of law firms in Mexico, especially those that deal with foreign and international entities.

I believe that the interest in bilingual legal education will grow in the country due to the fact that more offers of education will arise, either through the creation of schools or through the delivery of the Master's Degree in agreement with other universities.

¹⁸Example of them are the following: *Responsabilidad civil extracontractual en Estados Unidos*, by Juan Carlos Marín G., & Juan Javier del Granado -- México: Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas: Ilustre y Nacional Colegio de Abogados de México, 2013. x, 743 pages (Series: Derecho de Estados Unidos de América del Norte; 1). <http://bibliohistorico.juridicas.unam.mx/libros/libro.htm?l=3229> / *Obligaciones contractuales en Estados Unidos* by Oscar Cruz Barney & Juan Javier del Granado -- México, D.F.: UNAM, Instituto de Investigaciones Jurídicas: Ilustre y Nacional Colegio de Abogados de México, 2014, (Derecho de Estados Unidos de América del Norte; 2), <https://biblio.juridicas.unam.mx/bjv/detalle-libro/3675-obligaciones-contractuales-en-estados-unidos>.

The law firms will have more interest in hiring “bi-legal” lawyers, that is, they know the law and legal culture of Mexico and the United States.

I think that in the Law School of the UNAM will grow the number of subjects in which they are taught in English, or another language. That is, bilingual legal education will grow.

Now, the main language as an option for a bilingual legal education is English, because it is the language of the United States, and the most common on the world. Intercultural universities use the most common indigenous languages of the region.

Probably, later bilingual legal education can be carried out in other languages, such as French, if we want to study the law of France and Quebec, Canada; or, the German language, if we wanted to study the German legal system.

The bilingual legal education is conceived in Mexico as an opportunity to compete better in the international order, specifically, in the international commercial sphere; and on the other hand, in the opportunity to promote the development of native indigenous peoples, by promoting the teaching of law in indigenous languages.

4 Conclusions

In Mexico bilingual legal education is still in beginning, it has yet to be developed. There are two initial cases: the intercultural universities where the law is studied with references to indigenous languages; and the Master in American Law, where the United States legal system is studied in English and Spanish. Both cases have had an important degree of acceptance.

To increase the number of bilingual legal education courses, I consider it necessary to promote academic exchange, both for students and foreign professors.

Bilingual legal education contributes significantly to train more qualified lawyers to face the challenges of globalization.

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