

The seductive serendipity of theories: information technology in legal theory education

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For educationists communication and information technology (C&IT) has considerable potential in the delivery of the proposed new pedagogy as integrated components of teaching/learning strategies which combine old and new forms of learning. However, C&IT in learning has also become an essential part of contemporary life and work experience and is therefore in itself relevant to the academic experience. It has gradually become an integral part of the life of law as well in such a way that ignoring it would be ignoring an essential aspect of a lawyer's development. C&IT is affecting legal education through four types of resource: hyper linked information; communication; interactive learning; and simulated or active practice.

The very complexity of theories means that the traditional expository methods of the standard lecture or the linear printed textbook will prove inadequate tools in the hands of all but the most skilled communicators. Legal theory may have transcended the linear text form in the digital age and now requires new forms of communication.

Theory can liberate if it enables the students to meet their own theory needs, which are non-uniform in terms of both the substantive theoretical ideas and the form of communication. It can liberate if it is seen as pervasive, an essential commonsense element in every course rather than part of the ghetto. It is in this context that a combination of contemporary learning approaches and C&IT can be useful.

Hyper linked computerised data sets can stimulate independent learning in ways which traditional texts may find difficult. Of course, linear 'text' is still very important in legal theory, as is careful reading of key works, especially in comfortable hard copy. Equally, a stimulating lecture is 'interactive' in the sense that the student's mind is interacting with the ideas as they are being delivered.

Hyper linked data sources provide stimulation in a different form. They enable the students to search for texts, to browse, to compare instantly and to explore new pathways through links and thus provide the potential for independence from the class lectures and texts. But a student can only do this if the program of learning and assessment encourages such independent exploration.

Electronic course books have the potential of providing a much richer store of theoretical resources than is possible in paper texts. They can provide not merely the full text of key theoretical literature, but also the text of secondary material and practical examples of theories in action, etc. Yet the World Wide Web is in essence a much richer resource than any individual course book and there are a few web sites which provide legal theory materials.

There is a lot of scepticism about legal theory being appropriate for interactive multimedia treatment. The answer may be not to think of legal theory as an organised course for multimedia delivery, but to consider legal theory elements which course teachers and students might find useful as a smorgasbord.

The missing ingredient in interactive learning systems is conversation – discussions between lecturers and students and among students. Although some learning systems provide a comment facility which can enable such conversations, dedicated electronic conferencing systems can fulfil the urge to discuss much better. In some ways legal theory learning may be ideal for electronic conferencing and may benefit from the space and time provided by asynchronous conferencing. Students would be able to consider each response carefully, even referring to the relevant texts. The learning would be gradual and incremental, allowing everyone to participate if they wished to do so, and the argument to develop fully.

Theoretical learning is a pervasive part of every subject and in this respect theory should be integral to clinical learning as an avenue for understanding the nature of law. A key issue in clinical programs is how to develop the reflective element in clinical legal studies. C&IT-managed clin-

ical programs produce a running dossier for the case as well as providing a facility for discussion of theory issues.

There is a serendipity among theories in education, legal education and information technology in education in emphasising student-centred, independent, situated, contextual, active and reflective learning. It would be foolish to ignore C&IT in legal education, not only because it can enhance educational values, but also because it is an integral part of life, learning and work experience, including law. Therefore ignoring it would be ignoring an essential developmental tool for the student and the future lawyer.

But the value of new learning theories in higher education generally and in relation to C&IT in particular is not proven. This does not mean that we should stick to old approaches, but that we should handle new approaches with care. In particular, there is insufficient consciousness of time and resource issues in adventurous approaches to learning. Secondly, it is equally necessary not to overstate the value of technological learning in comparison with that of traditional tools. The third problem is that of seeing C&IT as being an independent device for learning rather than part of integrated learning environments. The limitations of C&IT in isolation are all too obvious. Communication itself cannot be enough and 'learning by doing' may lack the structure, analytical frameworks and reflective qualities which promote development of the learner.

The departure from traditional teaching does not appear too dramatic. C&IT would enable complex organisation of the course and permit flexible structures. It would also enable greater and better-organised access to learning resources which would allow students to explore theoretical avenues according to their interest, time and space. Course teachers would involve themselves in the students' learning experience at moments considered critical. In a universe of pluralism of legal theory, the choice of mode of learning theory has to be mediated between the teacher and the student. C&IT would have a significant role.