

ONLINE ASSESSMENT AND LEGAL DISCOURSE: DIALOGUE AND CHOICE

¹Archana Parashar and ²Robyn Philip

¹School of Law, Macquarie University, Australia.
email: aparashar@law.law.mq.edu.au
<http://www.law.mq.edu.au>

²Centre for Flexible Learning, Macquarie University, Australia.
email: robyn.philip@mq.edu.au
<http://www.cfl.mq.edu.au>

ABSTRACT

In the teaching of law in higher education there is a shift away from exclusive emphasis on technical legal knowledge (black letter law) to examination of the nature of legal knowledge and its construction. Such a paradigm shift requires a parallel shift in the methodology of teaching, such that the educational model emphasises dialogue and critique rather than transmission of knowledge. While changing and improving the model is more easily accommodated in the face-to-face educational context by changing the role of teacher as expert to teacher as facilitator, it is more difficult to achieve this same change in the distance context. This is the challenge that lead to the offering of LAW411: Discrimination and the law, using computer mediated communication.

The success of this project was in part due to the careful choice of media. After experimentation with newer and therefore less reliable technology, ie desktop videoconferencing, a simple low technology option was chosen. The medium maximised effective text-based communication. Importantly this has provided a model for other subjects within the Law School: it is a model that can be easily replicated by other staff, and requires few resources to considerably improve educational outcomes for students.

The aim of the project was to create greater flexibility for students in terms of assessment, to provide an alternative to on-campus attendance, to emphasise the social context of learning and provide improved opportunities for on-going dialogue about the law. In this paper we discuss the findings of a case study of Law students working in an online tutorial.

KEY WORDS

Dialogue, discourse, assessment, distance education, choice, law, online tutorial, flexibility.

1. INTRODUCTION

Legal education in common law countries has not yet fully recovered from the debates about its appropriate goal as training of professionals or broad based liberal education. We, however, believe that ideally legal education should go beyond teaching about the technicalities of legal doctrine. It should challenge conventional views about the nature of legal knowledge and enable students to understand how legal knowledge is constructed and what their role is in this process. That is, students should become critical thinkers. We believe that the main aim of education in any discipline is to develop the critical understanding of learners.

In this paper we describe the major findings of our case study project in which we set out to improve the environment for critical thinking amongst distance law students via the use of computer mediated communication. We researched a small group of students who were assessed online. Our findings showed that legal discourse and dialogue, and student outcomes were considerably improved when the pedagogy and the media were well chosen and well designed.

1.1 LAW AS DIALOGUE AND DISCOURSE

In legal education the development of critical understanding involves challenging student preconceptions about the Law and the purposes of legal education. It should generate critical skills in students which enable them to question how ideals about the law are generated, are perpetuated in the face of contrary evidence, and how they function to legitimise hierarchical status quo in society. Such ideals include, for example, that legal knowledge is autonomous, objective and neutral. Law students need to be exposed to the processes by which legal knowledge is actually established by the 'normal discourse' of the community of knowledgeable peers (Rorty 1980). By discourse we mean language as 'a form of social practice' (Fairclough 1989), that is that language is socially determined, it is a social process. Through discourse, students are expected to engage with the theoretical as well as practical consequences of adopting any conceptual position.

Legal education should also equip students to take responsibility for their learning. This can best be done by relying on the conception of teaching and learning as dialogue, a conversation between the teacher and students. We use Diana Laurillard's (1993) conception of learning as conversation and adopt her view that essential components of learning as conversation are description, adaption, interaction and reflection. In academic learning adaption and reflection is a conscious process. Academic learning involves developing a critical perspective and that can only happen when conscious reflection is done on the process.

These aims are more easily achieved with the on-campus students who attend regular tutorials and have face-to-face contact with the tutor and other students. The distance students at our university have until now had to make do with two day on-campus sessions (OCS), usually held in the mid-semester break. For the distance students the online option tries to generate a situation so that students engage in a dialogue with each other and in the process realise their agency in constructing legal discourse.

The changes in technology for delivery of courses and communication in higher education will have a large impact on the meaning of distance in the next decade for both on- and off-campus students. This will have an impact on the choices students and teachers make regarding the learning process, and in relation to this case study, how the law is studied. Our findings will have significance for the delivery of law teaching to on-campus students as well, but in this project we have focussed on the impact of computer mediated communication on off-campus students .

2. DESCRIPTION OF THE ONLINE ASSESSMENT PROJECT

2.1 AIMS AND SCOPE OF THE PROJECT

Our aims were to explore whether the introduction of computer mediated communication (CMC) altered the learning experience of distance students and to examine whether the choices provided in communication and assessment were beneficial in terms of student outcomes.

The scope of the project was limited to one offering of the unit over a six month period, and closely examined the experience of 10 students who participated fully in an online tutorial in the unit Discrimination and the Law. We compared the experiences of online participants with the perceptions of other off-campus and on-campus students in the same unit.

2.2 OUTLINE OF THE PROJECT

The scheme is a systematic combination of learning objectives and assessment goals. The distance education students were given the option to participate in a listserv discussion group in lieu of attending the compulsory on-campus session. The students had the choice to also attend the on-campus session if they so desired. Once they chose the listserv option participation was fairly structured and linked to an assessment plan.

Each participant had to submit a formal written critique of 300 words every week and was expected to contribute to a weekly informal discussion. Both kinds of contributions were assessable. The formal critiques were worth 50% and informal discussion was worth 10% of total marks. In addition they wrote a final research essay worth 40% of total marks.

At the beginning of each week individual students were assigned different extracts from the Study Materials and had to post their critiques to the discussion list LAW411, and thus to all other students who had to comment on them. As their critiques and contributions to discussions were assessable the participation was regular and often spirited. The discussion was moderated by the tutor who spent approximately six hours per week on the listserv.

In order to develop and test the level of critical thinking, students in the unit were assessed on the following criteria: Having read a piece of work and drawn out the argument, they were expected to (a) explain how the author had built the argument, what evidence was used, and how counter arguments were dealt with; (b) articulate why the author's argument was convincing or unconvincing; (c) make explicit the assumptions behind their own opinions and justify those assumptions; (d) draw conclusions about the likely consequences or implications of their stand.

2.3 RESEARCH METHODOLOGY

The research methodology chosen was interpretive. A case study analysis and description was made of the educational and social processes. We undertook participant observation of the online assessment group and engaged in continual detailed reflection on the processes and outcomes over the semester. Different questionnaires were administered to different groups of students in the unit, and the online assessment students were interviewed via telephone as well.

The students in Law411 formed three different groups: the on-campus (day) students who attended two weekly tutorials (55 students); the off-campus students who chose to fully participate in the weekly email tutorial (10 students, about one quarter of the off-campus group), and the off-campus students who attended the mid-semester on-campus session (25). Three students attended both the on-campus session and participated in the online assessment option; one student who fully participated in the online tutorial as well as the on-campus session opted not to be assessed online; and there were about five 'lurkers' on the email list who followed the discussion (as the list was open to any LLB students) but did not contribute to the discussion.

2.4 CHOICE OF TECHNOLOGY

Our concern to improve the opportunities for dialogue and critique in the distance law program, and to find a suitable substitute for on-campus session attendance by distance students lead us initially to a trial of desktop videoconferencing using the CU-SeeMe conferencing package. We were not, however, prepared to offer the technology to distance students until we were sure it could be implemented effectively into a program of study. Nonetheless, if cameras and software could be successfully installed and operated by a pilot group with only limited technical support we were prepared to see if it could be used to successfully provide weekly tutorials.

We wanted to improve student contact and motivation, provide greater opportunities for social and intellectual interaction via structured, synchronous videoconference sessions. The aim was to encourage dialogue and to go some way to replicating the experience of on-campus tutorials. The option of weekly videoconference sessions was to be in lieu of attending a two day on-campus session in the middle of the semester at the university. In taking this approach we were mindful that technology is not just a tool: as a delivery and communication medium

it is neither value free nor neutral (Bowers 1988; Evans & Nation 1992). Hence the use of CMC has an impact on the whole learning experience of students, it is not just a delivery mechanism. Therefore, its accommodation into the educational setting requires careful planning and design.

We set up a six month trial with a view to implementing videoconferencing with a pilot group of students in one law subject the following semester. We had nine people involved in the trial: five connections were established in different settings at the university, one connection with a metropolitan ex-student, two ex-students in other capital cities (Adelaide and Canberra), and one staff member outside the metropolitan area in the Blue Mountains. One of the research team also trialled videoconferencing from home. We met for one hour on a weekly basis and then reflected on the findings.

Our results were less than satisfactory. Our investigation into institutions which had successfully used desktop videoconferencing indicated that the installation of a dedicated ISDN line had assured reliability and quality of connection. The off-campus participants in our group were to be using ordinary telephone lines and expected to install and configure the system for themselves without sophisticated technical help. We were unable to satisfactorily connect all participants so as to simultaneously receive live video, sound, and text. The support from the supplier of Cu-SeeMe was minimal and our technical officer had little previous experience with the software.

As we had not been able to satisfactorily move to the real simulation stage of the videoconferencing project it was abandoned in the short-term. The tutor was, however, still keen to introduce an effective model of two-way computer mediated communication in order to create a virtual tutorial with continuous and assessable participation by students. Therefore, we designed this pilot project using an email listserv.

Even though it may seem less innovative to use text-based email it proved to be a superior choice in this context. The medium was relatively technically simple and required no extra technical support for successful implementation. The choice of medium for delivery of, and communication, in student courses is only one of the many choices that must be made in designing an effective learning environment. The pedagogical design is paramount. As Laurillard (1993) notes: "New technology methods are too frequently introduced to students on an experimental, pilot basis without being properly integrated into their teaching . . . The only real test of any learning material is its use under normal course conditions". Because the pedagogical model was strong in this case study, the student outcomes were very positive. The technology did not dominate and the requirements of the assessment regime allowed for real interaction amongst students. The pedagogy drew on a learner-centred, Constructivist model where the teacher establishes a framework for learning and then gives the student guidance within that framework. With the email listserv there was a high level of learner control, collaboration and negotiation.

3. FINDINGS

3.1 WHAT DID THE STUDENTS CHOOSE?

The students who chose the online assessment option said they did so because they did not have to attend the on-campus session and the online option was an interesting alternative they wanted to try. Eighty per cent of these students were close to completing their degree, all had considerable personal and work commitments as well as demanding study regimes (one student had a new baby, was enrolled in three subjects, and had a partner who was also studying); the majority had dependents; and so it is not surprising that they believed that the email option was the one that suited their lifestyle and commitments and a means to avoid another 'less than inspiring on-campus session' as one student put it.

Of the distance students who did choose to attend the on-campus session, the two major reasons they gave for selecting this option were: (i) lack of access to a computer (56%) and (ii) a desire not to miss the personal contact of the on-campus session (44%). Geographical, technical and personal factors were differentially important.

The on-campus day students, who attended regular twice weekly tutorials, when asked voted overwhelmingly for retention of face-to-face tutorials (60% said they were needed or essential to the unit). As they had not experienced the other option, it is not surprising that they chose the status quo. The findings of Cuskelly et al (1997) confirm that where students have not experienced the technology, they find it difficult to “perceive how the technology would assist their studies”. On-campus students often said face-to-face tutorials were ‘essential’, one said they were good for ‘spontaneous reactions’; another said “nothing could replace a heated tutorial discussion”; and another said that the computer mediated option could be ‘isolating’. Interestingly, our study showed that the online tutorial was well able to provide ‘heated’ and spontaneous discussion (in this case regarding the law, discrimination, women, and minorities) and that the personal bonding of students in this group was very strong as evidenced by the fond and reluctant farewells at the end of the semester.

3.2. ON-CAMPUS SESSIONS

The students raised three main issues regarding the on-campus sessions: the social aspect of the OCS, the depth of discourse, and pressure. Firstly the social aspect. On-campus sessions are generally perceived to be important opportunities for students to meet their lecturer, to gain a better understanding of the subject matter, and to socialise and to share understandings with fellow students. Because these face-to-face sessions are so intensive, students from the online group indicated that on-campus sessions do not always meet expectations. One student in the online group who had completed most of her degree as an on-campus day student said that one did not necessarily get to know others at the day tutorials either – there were ‘cliques’ that did not interact, whereas she had definitely felt part of the online group.

Secondly, the intensive nature of the on-campus session allowed little time for students to really engage in in-depth discussion. (This would also have been one of the limitations of a synchronous videoconference). One of the online students said that discussion at the on-campus was sometimes like ‘dinner table’ talk, ie insubstantial, whereas he had felt that in the email discussion group he had been part of an ‘intellectual’ community, not just a social community. Another student said the online experience was ‘just like being at uni’, referring to this engagement in legal discourse. Online students found their experience very satisfactory from this point of view and 100% said that the online option, with its structured assessment format, was much better than past on-campus sessions that they had attended for gaining an understanding of the subject matter.

Thirdly, students noted that the structured assessment scheme of the online option had created a pressure to perform that was different from the pressure they experienced at the on-campus session. In the online format they had to present arguments in written form, but this pressure was spread over the period of a week and they could make considered comments rather than contribute superficially.

Further, our study shows students in LAW411 were reluctant to completely remove all opportunities for face-to-face contact and did not want all communication to be computer mediated in their law studies. Law students must also develop oral skills so there is a case for examining the place of on-campus sessions in the whole law program, ensuring that there is a combination and a range of options. Students indicated that they want choice on a unit by unit basis, depending on their balance of other study, work and family commitments at the time. Even many of the day students who wanted to retain the status quo could see that others would benefit from optional online tutorials. As George and Luke (1995) observe, ‘In the information age the purpose of using technology is to provide educational opportunities which are individualised according to needs and circumstances rather than the provision of mass uniform experiences’.

3.3 ASSESSMENT SCHEME AND RATIONALE

The assessments were different for different streams but appropriate in terms of validity (quality of the assessment task) and reliability (the extent to which the assessment task achieved consistent results) (Crooks 1988). We wish to emphasise that the success of the online project was dependent on the scheme of assessment used. We believe the assessment scheme has a logical connection to the objectives of the unit and it provided the much needed structure to the listserv discussions.

Of particular importance to this project was the replacement of the first essay with ten short critiques. We were initially concerned whether this was a sound choice, but have been pleasantly surprised by the outcome of this change. The imperative to write a weekly formal critique ensured that students engaged very seriously with their assigned extract and could produce a comprehensible and concise comment on the assumptions made by the author as well as explain why they agreed or disagreed with those assumptions. But it is impractical to expect students to be able to give similar amounts of time and attention to each extract in the study materials. It is this fact that made the posting of critiques so important. The postings were a pragmatic but reasonable way of making the experience of studying manageable for distance students. The outcome was that students collaborated in their learning. It is heartening to see that so many of the participants have commented that the critique on the listserv made them feel like they were actually contributing to others' learning. Suddenly what they were writing was meaningful because for the first time what they had to say was seriously discussed by someone other than the tutor. We are comfortable with the idea that the short critiques worked as a valid substitute for writing an essay. Essay writing skills were developed and tested in the final research essay and the short critiques better taught skills of brevity in analysis and the technique of arguing for a position. Students had to quickly read large amounts of text, summarise and analyse it and then defend their position on this. They learnt the skill of quickly developing a 300 word critique which is important in the legal context.

The importance of the balance between structured and informal dialogue in the online tutorial was a major finding of this case study. Undoubtedly the online tutorial succeeded in this context in terms of student outcomes because of the compulsory and highly structured elements. It had the right balance between informal discussions which gave spontaneity, and the formal critiques which gave substance. Contribution was compulsory so there was always something to respond to. Most of the online students agreed that linking the informal discussion to assessment *made* them participate, and even though the workload increased it was still worth the effort. Once the compulsory critiques were no longer required (in the second half of the semester) discussion was very light and insubstantial. As Zariski (1994) notes, the benefits from online learning are often quite subtle.

The grades achieved by students in the online tutorial showed the normal range but the quality of the learning experience which they commented on during the online discussion shows improved depth of understanding and personal satisfaction. Students commented that it "Made me think about things more" and "I understood more about discrimination because we talked/discussed so much".

3.4 DIALOGUE AND DISCOURSE

The online project created a unique opportunity for students and teacher to meet together (electronically) to exchange information, to collaborate, to socialise and to engage in 'serendipitous exchange' (Mason & Kaye 1990). This element of the unexpected, the unplanned, the surprising is possibly one of the most exciting outcomes of computer mediated communication for distance students.

The online option was designed to enable the participants to gain an in-depth understanding of how legal discourse is constructed. As a preliminary aim the students were required to study regularly. The requirement of a formal assessable critique more or less ensured that they would read very carefully at least one extract in the specified class. It also meant that not everyone would have to spend equal amount of time and effort on each extract. They could rely on the

formal critiques by other students to gain an understanding of the rest of the extracts. However, since they were expected to comment on each other's critiques they had to have a reasonable acquaintance with the extracts and could be expected to have read all the extracts, even if cursorily.

Our research indicated that the following factors were important for generating good dialogue in this context:

1. Consistent participation was achieved through formal and informal components. The depth of discussion was so much greater because the context of discussion was set by formal critiques.
2. Spontaneity of the informal discussion was important for interaction and group identity. The formal critiques supplied the resources or the springboard from which discussion flowed. Both elements were needed to make this work well. Even though students said the informal component increased their workload they acknowledged the importance of the spontaneity of discussion.
3. Collaboration was achieved due to the assessment scheme and group pressure to keep up and contribute, so students could not avoid participation and sharing of information.
4. The tutor played a role in keeping the balance right, by not instructing too much in this subject (most students were near to finishing their degrees), but weaving the conversations together and providing a role model.

Another major finding of the online project was the quality of dialogue. The informal discussion was primarily responsible for generating a genuine dialogue amongst the students and to an extent between the students and the tutor. There are two important aspects of the informal discussion component: it was not a pointless or artificial discussion; at the same time it did not remain confined to the issues included in the Study Materials. As a starting point in the discussion one person could comment on someone else's critique but not necessarily confine themselves to the given extracts in the Study Materials as they could draw upon their knowledge and experiences. The fact that these wider experiences were being tied back to the issues raised by the readings of the Study Materials meant that the students did not feel that they were wasting their time by merely keeping up the appearances of discussing or by generating discussion artificially. As a consequence all students engaged in teaching each other by constantly discussing the relevant issues.

Both these factors make this project different from most other bulletin boards or listserv discussions. Regular participation is ensured by the incentive of a participation mark. It is probably the single most important factor in making this online group discussion a success. By comparison the discussion lists run in other units at the Law School attract very little regular participation. This is especially significant because these lists are for core units which have relatively large enrolments.

The element of coercion in linking participation to an assessment mark is nevertheless educationally sound. This is the only way to ensure regular participation which moved beyond the constraints of formal critique. While formal critique is very important in teaching students the skills of analytical thinking it does not enable students to enter into dialogue with others. Such a dialogue or conversation is important if students are to learn to be self reflective and have the confidence of formulating their own views rather than repeat what someone else might have to say. For law students it is even more important to articulate the basis of their arguments as generally law scholarship obscures the situatedness of legal knowledge. This is what we mean by critical thinking, and the quality of contributions made by the online students allow us to say that the project achieved its aim of generating critical thinking skills in students. Many students commented themselves that the quality of discussion was superior to that of other units.

3.5 FLEXIBILITY, CHOICE AND NEGOTIATED LEARNING

In contrast to the video computer conferencing trialled earlier, this project offered students flexibility in their study patterns. It is important to emphasise that flexibility was achieved in conjunction with educational benefits. Therefore, even though most participants felt that the online option impinged on their time, the benefits were also acknowledged. Notably, all the online participants were either ambivalent or negative to the idea of synchronous conferencing.

The notion of flexibility is, we believe, somewhat arbitrary, personal and problematic. Taylor's (1995) conceptual framework for distance education supports this view. He has conceptualised distance education as an evolutionary process which has moved towards what is now described as flexible learning via four generations or stages of technological change. Taylor indicates that communication technologies, like email and videoconferencing, while actually improving interaction for distance students, can also reduce flexibility in terms of placing certain restrictions on students, for example by requiring students to be logged on to their computer at a certain time or by requiring 'attendance' at a virtual tutorial over a period of time. One very busy online student remarked that they had spent a great deal of time late at night at the computer – something which they did not as a distance student do before. While there are benefits from electronic communication, there is also a trade-off in some other respects.

As another aspect of flexibility, our online law students were given the choice to also attend the on-campus session, a choice which three students exercised. Most of the on- and off-campus students acknowledged the importance of on-campus sessions but appreciated the possibility of choosing the most suitable option. We agree with the views of the majority of the students that online tutorials should not replace *all* face-to-face teaching, but supplement it.

After the mid semester Easter break, the students complained that the workload was too heavy and they did not wish to continue the formal online critiques. Importantly, they negotiated with the tutor, who arbitrated, and as a result formal critique did not continue for the semester – only informal critique. Consequently, the depth and extent of the discussion reduced. This incident showed that students were empowered by the experience to use their negotiation skills. They had a stake in their learning, and exercised control over it, but also carried the responsibility for that choice. We suggest that the choice not to continue with the online discussion after the semester break reflected the pressures on students of more conventional units, that is, second essays had to be written or final exams undertaken. It is probably not unfair to assume that these students were using the conventional study patterns for other units and studying in concentrated time blocks. Some students did wish to continue the discussions or have the final essay posted on the list, but most of them did not agree with these proposals.

At a more general level, the choices students make are limited by the considerations at the program level, not just the subject level. For instance, if students have to attend other compulsory on-campus sessions, it is very likely that they may not choose the online option as they have to attend the university anyway. Moreover, as Bates (1995) says, personal choice should be driven by the values of each student, not only 'possession of hardware'.

3.6 WORKLOAD, STUDY PATTERNS AND MOTIVATION

The tutor spent about six hours per week reading the critiques and responding to informal discussion. This was a heavy workload as she also had the off-campus and the on-campus students to attend to on a weekly basis. However, the level of student satisfaction with the online learning made it a worthwhile effort. The implications of this factor for using the online model are discussed in the conclusion.

Overall the students thought the online tutorial was a great deal more work than expected, but it was worthwhile. The written record of the discussion gave students something to revisit and from that point of view was important to their depth of understanding of the subject matter. We suggest that the perception of workload would change if students were exposed to the online option right from the start of their degree.

The assessment structure and the technology strongly affected study patterns. Students studied regularly and consistently each week, but later reverted to their old habits once the pressure of writing and posting weekly critiques was removed. Many of them commented that they may have changed their study habits permanently if this experience had happened earlier in their degree.

The online study pattern enforced a sense of commitment and reduced isolation. Students were highly motivated because they chose the option that suited them best, and because they could share ideas, resources (the 300 word critiques) and company. One student remarked that she was conscious that others would see her work, ie that she was not working in isolation. This observation also illustrated how the students developed a sense of commitment to the quality of discourse that transpired. A former day student who tried the online alternative said she felt 'obliged' to read because of the compulsory element. She also said that she felt that, by comparison, she worked harder in this option. Other students said that they felt *accountable* for their comments. Also a few of them noted that shy people could participate more effectively as it was less intimidating than a large class at the on-campus session. One other shy student, however, did not participate as much as might have been expected, and was more ambivalent about the experience than others. Another student said she felt motivated to participate 'because of the pressure. I like it.'

4. CONCLUSION

Establishing an effective environment for the study of law or any subject in higher education is a matter of balancing many complex variables which include amongst other things: good pedagogical design, the right balance of facilitation and instruction from the teacher, informed understanding of student needs, consideration of the social context of learning, and the right delivery medium. The assumptions that internal on-campus classes create a community and enable intense study are not necessarily true. Nor is it the case that face-to-face contact is always superior to electronic contact. We have commented on the importance of the social context of learning, but do not have space here to fully discuss the very strong sense of community generated by the students who participated fully in the online project. Interestingly, we wonder how these students would have interacted as a group had they worked together in the face-to-face context.

This pilot project has enormous significance for the expansion of the school's distance education program. The availability of continuous participation in a group discussion makes it possible to replace the compulsory on-campus session at least for some students and for some units. This makes it possible to offer distance education in a flexible mode and, for the first time, to make it available to the international market of students with the guarantee of a quality product. The pedagogical benefits are detailed above but we have not addressed the resource implications. The workload is bound to increase if online teaching is added to the conventional on-campus session and weekly tutorials for day students. However, as indicated above, most students want a choice and do not wish to see the online option totally replacing other methods of delivering legal education. We agree with the sentiment, and offer flexibility as the central attraction of this scheme. But we do think that at least the core compulsory units can use this model without input of additional resources. For instance, where a core unit is taught by three tutors the work could be divided so that one tutor took complete responsibility for the distance students (who usually form one third of the student numbers). This tutor could thus conduct weekly or daily online discussions as well as on-campus sessions. The other two tutors could take full responsibility for day students, and be released from teaching at on-campus sessions. The redistribution of workload in this manner would enhance the learning experience for the distance education students and widen the reach of the Law School internationally.

We were very satisfied with the choice of media for this project, and with the outcomes of our pedagogical choice. On reflection, of the two media that were considered for CMC in this context, we concluded that the email discussion group was a superior choice for the following reasons:

1. The medium was relatively technically simple and students required no extra technical support to use it for their studies.
2. In terms of access and equity, text-based computer mediated communication is available to a much larger proportion of students, and as a model for future units is more easily adaptable than a model based on video-based CMC. We acknowledge Kirkwood (1988) who says, access is not just a matter of having a computer and an internet account; access is also about where you have access and with whom you have to share your facilities and how effectively you can use the hardware and software that is available to you.
3. Even though this method of tutorial support and assessment imposed new study patterns on all the students who were, on the whole, close to completion of their degrees, its implementation was reassuringly unproblematic and the learning outcomes very positive.
4. The technology is text-based and therefore most appropriate for the study of law where students must focus on language. The medium is a powerful one for developing the skills of academic discourse.
5. The asynchronous nature of the medium gave students time for reflection over the period of a week to consider the critiques of set readings posted by other students, to analyse the arguments presented and to then give their informal response. Students were not under pressure to respond immediately to issues that were raised.
6. Asynchronous communication was more flexible than the synchronous video technology in terms of student study and work patterns and was therefore generally the preferred choice of students. The restrictions of time and place were, by comparison, minimal.
7. The choice of email tutorial participation was reliable enough to give students an on-going social experience as an alternative to the on-campus session.
8. The interactive nature of the medium considerably added to student satisfaction with the unit and the development of skills in legal discourse. Had videoconferencing been used our research indicated that, despite its promise of interactivity, the technical limitations of desktop videoconferencing would have promoted more of a transmission style of tutorial presentation, with less of the spontaneous interpersonal dynamic that was evident on the listserv.

Overall our findings in this project can be summarised by Bates (1995) who says that good teaching matters, and each medium has its own aesthetic: ‘...concentrate on designing the learning experience, and not on testing the technology’.

5. REFERENCES

- Bates, A. (1995). *Technology, Open Learning and Distance Education*, Routledge, 54,14.
- Bowers, C. (1988). *The Cultural Dimensions of Educational Computing: Understanding the non-neutrality of technology*. Teachers College, Columbia University, 135.
- Crooks, T. (1988). *Assessing Student Performance*. HERDSA Green Guide No. 8.
- Cuskelly, E. Danaher, P. & Purnell, K. (1997). Just Which Technology Do Distance Students Really Want? In J. Osborne, D. Roberts & J.Walker (eds.) *Open, Flexible and Distance Learning*. 13th Biennial forum of ODLAA, 88.
- Evans, T. & Nation, D. (1992). *Reforming Open and Distance Education*. Kogan Page, 198.
- Fairclough, N. (1989). *Language and Power*. Longman.
- George, R. & Luke, R. (1995). The Critical Place of Information Literacy in the Trend Towards Flexible Delivery in Higher Education Contexts. *Learning for Life Conference*. Internet. http://www.lgu.ac.uk/deliberations/flex.learning/rigor_paper.html, May 1998.
- Kirkwood, A. (1988). Computers in Distance Education: Student access and issues of openness. *Open Learning*, 3: 3, 18 - 22.

- Laurillard, D. (1993). *Rethinking University Teaching*. Routledge, 217.
- Mason, R. & Kaye, A. (eds). (1990). *Mindweave: Communication, computers and distance education*. Pergamon, 23.
- Rorty, R. (1980). *Philosophy and the Mirror of Nature*. Blackwell.
- Shaffer, T. & Redmount, R. (1977). *Lawyers, Law Students and People*. McGraw-Hill.
- Taylor, J. (1995). Distance Education Technologies: The fourth generation, Sixth meeting of NCODE, Toowoomba, QLD, 31 May - 1 June, 3.
- Zariski, A. (1994). Using Electronic Mail in Law Teaching. *Computer Assisted Learning in Law: Conference Papers*, Conference Proceedings, 4 - 5 July 1994. The Law Book Company, 139.

© Archana Parashar and Robyn Philip

The author(s) assign to ASCILITE and educational and non-profit institutions a non-exclusive licence to use this document for personal use and in courses of instruction provided that the article is used in full and this copyright statement is reproduced.

The author(s) also grant a non-exclusive licence to ASCILITE to publish this document in full on the World Wide Web (prime sites and mirrors) and in printed form within the ASCILITE98 Conference Proceedings. Any other usage is prohibited without the express permission of the author(s).

