

Moving beyond text, embracing the visual: the Virtual Land Law Field Trip Project @ Sussex

Article (Accepted Version)

Ni Drisceoil, Verona (2021) Moving beyond text, embracing the visual: the Virtual Land Law Field Trip Project @ Sussex. *The Law Teacher*, 55 (2). pp. 186-197. ISSN 0306-9400

This version is available from Sussex Research Online: <http://sro.sussex.ac.uk/id/eprint/90825/>

This document is made available in accordance with publisher policies and may differ from the published version or from the version of record. If you wish to cite this item you are advised to consult the publisher's version. Please see the URL above for details on accessing the published version.

Copyright and reuse:

Sussex Research Online is a digital repository of the research output of the University.

Copyright and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable, the material made available in SRO has been checked for eligibility before being made available.

Copies of full text items generally can be reproduced, displayed or performed and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

Moving beyond text to embrace the visual: Lessons learnt from the virtual land law field trip project @ Sussex

Verona Ní Drisceoil

Abstract

Set against the pedagogic literature outlining the benefits of the ‘visual’ in instruction, this article charts the conceptualisation, development and impact of the Virtual Land Law Field Trip Project @ Sussex. Drawing on the findings from a student survey and focus group evaluation, the article outlines the strengths and weakness of the project. Notwithstanding limitations, and indeed the inherent challenges and obstacles to incorporating ‘innovative’ approaches in teaching, the article concludes by strongly advocating for a greater commitment to moving beyond the dominance of text in legal education and embracing the visual where possible. Utilising more dynamic visual representations such as video enhances instruction, supports cognitive memory and is an excellent way to provide meaningful practical insight examples. Moreover, embracing visual representations offers an alternative space within which to include counter voices and narratives to challenge, where necessary, the curriculums we teach.

Keywords: video; visual learner; land law; multimedia; legal education

Introduction

The Virtual Land Law Field Trip Project @ Sussex grew out of a simple desire: to counter traditional modes of instruction and provide a means within which students could move further into ‘reality’ to *see* the operation of land law in practice. In doing so, the project also sought to counter the unfair perception of land law as a dull and boring subject and something to be endured rather than enjoyed. Through a series of ten bespoke videos, the initial aim, therefore, was to offer students a virtual and visual platform within which they could be transported out of the confines of the lecture hall and seminar room to connect with and see the operation and impact of land law in practice in the local community. That aim did carry through as the project developed but it also became clear early on that this project was not solely about offering more dynamic visual representations to counter the primacy of text but it was also about offering a space to counter the dominant narrative in the text of land law and ultimately to provide a forum

within which to challenge the curriculum itself. Who is land law for? Who does land law alienate and exclude? What hierarchies and messages are reproduced by what's in, and out, of the curriculums we teach?¹ To this end, the overarching objectives of the project are connected in a countering of dominance; a countering of the dominance of text in land law instruction but also a countering of the dominance of the capitalist, individualist and free-market voice within the land law curriculum.

By way of setting the context for evaluating the strengths and weaknesses of this project, the article begins by revisiting discussions on the continuing primacy of 'text' in legal education. This primacy is such despite the 'visual turn' in socio-legal studies², major advances in technology and an increasing pedagogic literacy amongst legal educators as to the benefits of the visual in instruction. Engaging with the literature on visual literacy also provides an opportunity to consider and situate the significant SQE developments that are now underfoot. Where do these drastic measures and changes sit within broader trends advocating for active, transformative and innovative teaching? After outlining the development and current structure of the project, the article will then consider whether it was really worth the effort. What did the students really think of this project? What lessons can be learnt?

Despite limitations in this project, as self-identified, and highlighted by students, the article nonetheless concludes that embracing dynamic visual representations in our teaching of law is worth the effort. The benefits, and possibilities, are significant not only for the student but also for the teacher. There is, to draw on the work of Eilam, a "dual role" and function.³ Further still, pushing ourselves to utilise more dynamic modes of instruction such as video to

¹ Duncan Kennedy, 'Legal Education and the Reproduction of Hierarchy' (1992) Vol 32 (4) Journal of Legal Education 591.

² See further Linda Mulcahy, 'Eyes of the Law: A visual Turn in Socio-Legal Studies?' (2017) 44 (S1) Journal of Law and Society S111, S117.

³ Billie Eilam, *Teaching Learning and Visual Literacy: The Dual Role of Visual Representation* (Cambridge University Press, 2012).

engage, critique and challenge will, as a corollary, provide and necessitate more meaningful conversations about alternative modes of assessment. Not only must we move beyond the dominance of text in legal instruction but we must also move beyond the dominance of text-based assignments.⁴

Further still, as mentioned above, utilising visual representations such as video provides a platform for the inclusion of more counter voices and narratives. By counter voices, the article makes clear that it is not simply calling for more elite, academic voices but rather the inclusion of voices outside of the academy and the legal practice sector. While much work is being done by universities across the UK to build community links to “strengthen the connection between university and their places”⁵, the focus of those community links is often targeted at impact case studies for REF or for the university’s image as opposed to for the enhancement of teaching and learning in co-curriculum opportunities. This project, through its part engagement with local NGOs, demonstrates the potential for greater co-curriculum community partnerships to enhance and invigorate our teaching practices in law.

The continuing dominance of text in legal education

Legal education instruction, despite major advances in technology, increased pedagogic literacy and indeed a push from university management ‘to be innovative’, remains dominated by a text-based approach. For many, this is unsurprising. Law is a text-based discipline and, as a corollary, a text-based subject.⁶ Lawyers and legal academics live and work in a

⁴ See further Illan rua Wall, ‘Podcast as assessment: entanglement and affect in the law school’ (2019) Vol. 53 (3) Law Teacher 309.

⁵ See further UPP Foundation, ‘Truly Civic: Strengthening the connection between universities and their places’ (The final report of the UPP Foundation Civic University Commission). Available at: <https://upp-foundation.org/wp-content/uploads/2019/02/Civic-University-Commission-Final-Report.pdf> (last accessed 17 February 2020).

⁶ See further Zenon Bankowski, Maksymilian Del Mar and Paul Maharg, *The Arts and the Legal Academy: Beyond Text in Legal Education* (Ashgate 2013; Routledge 2016), 2.

predominately text-based world where the letter of the law is reasoned, interpreted, debated and then further analysed and discussed in other text forms.⁷ Unlike other disciplines, law has always tended to identify its “rationality”, and hence its virtue, with text as opposed to image.⁸ The focus is on reading words as opposed to reading pictures. This is such that it is often thought that reading words and thinking in words is the only kind of thinking there is in law.⁹ Of course, this is simply not true but we as legal academics and educators nonetheless continue to deliver most of our teaching in text form albeit utilising more images in our PowerPoint lecture presentations *to accompany* ‘the text’. Sheridan King’s recent explorations on visual approaches to pedagogy echo this point.¹⁰ She notes that the standard doctrinal methodology that underpins the majority of legal modules in law schools in the UK bolsters the historical origins of, and for, textual dominance.¹¹ Linda Mulcahy, in her work on the visual turn, notes that the increasing inclination of legal scholars to neglect the visual can be explained by the fact that over time “law’s authority has become inextricably bound up with the text to the exclusion of the image”.¹² This sentiment further echoes that of Douzinas and Nead who have argued that there has been a “further construction of a binary divide between the image and the text in which the image has been linked to imagination, creativity and playfulness and legal texts speak to control, discipline and sobriety”.¹³

There are, undeniably, significant and impressive exceptions where dynamic forms of visual representations (such as art) are utilised and embedded into legal curriculums in really

⁷ See further Zenon Bankowski, Maksymilian Del Mar and Paul Maharg, *The Arts and the Legal Academy: Beyond Text in Legal Education* (Ashgate 2013; Routledge 2016).

⁸ Christina Spiesel, ‘Reflections on reading: words and pictures in law’ (2006) Vol 2 (3) *International Journal of Law in Context* 305: 305-320.

⁹ *ibid*, 316.

¹⁰ Francis Sheridan King, ‘Visual approaches to property law pedagogy’ (2016) Vol 8 (1) *International Journal of Law in the Built Environment* 80: 80-94:

¹¹ *ibid*, 84.

¹² Linda Mulcahy, ‘Eyes of the Law: A visual Turn in Socio-Legal Studies?’ (2017) 44 (S1) *Journal of Law and Society* S111, S117.

¹³ Costas Douzinas and Lynda Nead (eds) *Law and the Image: The Authority of Art and the Aesthetics of Law* (University of Chicago Press 1999), Introduction.

exciting ways¹⁴ but, on the whole, law teachers continue to shy away from more dynamic visual practices in favour of text in instruction, in both lectures and seminars.¹⁵ I include myself in that observation and whilst I advocate and wish to use more visual approaches and engage with more art in law for example, the majority of my teaching is predominately text-based. The reluctance to move beyond text and engage with more dynamic visual practices and experiment with innovation in legal education has significant drawbacks because it means that law students, like lawyers, often look only to the text and do not experience the particularity of the situation nor allow the situation speak for itself. Zenon Bankowski put it well when he noted “that law as a text based subject is both its strength and its weakness”.¹⁶ It is its strength in that it enables decisions to be transparent and constrained by the text, but it is its weakness in that decisions tend to be dominated by text, and situations are shoehorned into the text with, at times, stultifying results.¹⁷

Furthermore, the primacy of text in instruction transfers directly to a primacy of text-based assessment. This is such despite repeated calls from education experts both within and outside law to adopt alternative and bespoke modes of assessment to counter the wholly unsatisfactory nature of unseen written exams and the problem of essay mills with respect to coursework submissions.¹⁸ We continue to utilise traditional modes of assessment that are pedagogically unsatisfactory and hugely time consuming for faculty in marking and feedback

¹⁴ See further Francis Sheridan King, ‘Visual approaches to property law pedagogy’ (2016) Vol 8 (1) *International Journal of Law in the Built Environment* 80: 87-88. In this article, Sheridan King gives an overview of a range of innovative approaches that have been used in the teaching of property law. See also the work of Lucy Finchett-Maddock and the <http://artlawnetwork.org/about/> as well as the innovative methods utilised by Emily Flint (Birmingham Law School), Professor Amanda Perry-Kessaris (Kent Law School) and Professor Steven Vaughan (UCL) to name but a few.

¹⁵ Christina Spiesel, ‘Reflections on reading: words and pictures in law’ (2006) Vol 2 (3) *International Journal of Law in Context* 305: 305-320.

¹⁶ Zenon Bankowski, Maksymilian Del Mar and Paul Maharg, *The Arts and the Legal Academy: Beyond Text in Legal Education* (Ashgate 2013; Routledge 2016), 2.

¹⁷ *ibid*

¹⁸ For more see Sally Brown and Phillip Race, ‘Using Effective Assessment to Promote Learning, in University Teaching in Focus: a learning-centred approach’ in L Hunt and D Chalmers, (eds), *Australian Council for Educational Research* (Routledge, 2012):74-91; Phillip Race, *The Lecturer’s Toolkit* (4th edn, Routledge 2015).

processes. Year on year, teaching faculty acknowledge the problematic nature of how we assess but rarely do we take steps to change our approaches. This, of course, is partly due to the bureaucratic challenges in place within universities to introduce module changes, concerns about workload in generating alternative modes of assessment, and pressures not to have students on campus during the mid-year assessment periods. These are all legitimate concerns but alternative modes require greater testing, and sooner rather than later. Arguably, alternative modes of assessment – even for large cohorts - would actually prove less time consuming for faculty with a quicker turnaround and could be conducted in a far more supportive and holistic environment for both teaching faculty and students. The real challenge, therefore, appears to be the shift in mind-set required and support needed from university management to administer change.

What are the specific benefits to moving beyond text in instruction?

For Mayer, embracing the visual or, more broadly, “multimedia” approaches in our teaching works because of how the human mind works.¹⁹ The rationale for presenting material in both “words and pictures” or “as dynamic visual representations”²⁰ such as in this video project is that it takes advantage of the full capacity of humans for processing information.²¹ We all have different channels for learning and experience things and information in different ways. Thus, when we as teachers present most of our material in text form on PowerPoint slides or as verbal from the lectern, “we are ignoring the potential contribution of human capacity to process materials” in the verbal-linguistic, mathematical-logical, musical, visual, spatial, bodily-

¹⁹ Richard Mayer, *Multimedia Learning* (2nd edn, Cambridge University Press 2009); R Mayer, (ed) *The Cambridge Handbook of Multimedia Learning* (Cambridge University Press 2014).

²⁰ Billie Eilam, *Teaching Learning and Visual Literacy* (Cambridge University Press 2012).

²¹ Richard Mayer, *Multimedia Learning* (2nd edn, Cambridge University Press 2009), 6.

kinaesthetic, interpersonal, intrapersonal, naturalist or existentialist as the case may be.²² Representations beyond text and voice alone increase the levels of brain activity in the learning environment. Multimedia instruction, whether static or dynamic,²³ taps into the different sensory modalities for learning, observing and sensing.²⁴ Students can move beyond simply learning the content, to feeling the content. The qualitative rationale for multimedia instruction supports the view that the verbal *and* the picture – whether in video or animation or in art form - can help to build meaningful connections and to create a platform for deeper reflexive learning.

Thus, increasing the integration of multimedia or “multisensory” approaches in our teaching, to draw on the work of Brunshwig, provides a platform and space to ‘feel’ the content.²⁵ While legal texts may appeal to reason, images or aspects of visual culture may appeal more deeply to emotion.²⁶ In this respect, the work of Feenan, on law and compassion, also resonates.²⁷ In explaining the absence of compassion from professional codes and legal education training, he suggests that the answers can be found in law’s historical elitism and protection of class privilege.²⁸ Moving beyond the text and tapping in to other senses whether the visual, the audio-visual or the kinaesthetic can, arguably, allow for a space to further develop greater reflexivity and connection.

Findings from the student survey and focus group evaluation on this video project, of which I will elaborate upon further below, certainly indicate that the visual representation

²² See further H Gardner, *Intelligence Reframed: Multiple Intelligences for the 21st Century* (Basic Books 2000); Richard Mayer, *Multimedia Learning* (2nd edn, Cambridge University Press 2009), 6. See also Richard Mayer, (ed) *The Cambridge Handbook of Multimedia Learning* (Cambridge University Press 2014), Chapter 1.

²³ Billie Eilam, *Teaching Learning and Visual Literacy* (Cambridge University Press 2012).

²⁴ Colette R. Brunshwig, ‘Law Is Not or Must Not Be Just Verbal and Visual in the 21st Century: Toward Multisensory Law’ in Dan Jerker B. Svantesson and Stanley Greenstein (eds) *Internationalisation of Law in the Digital Information Society: Nordic Yearbook of Law and Informatics 2010-2012* (Tutu Publishing 2013): 231-284.

²⁵ *Ibid.*

²⁶ Clare Sandford-Couch, ‘Challenging the primacy of text: the role of the visual in legal education’ in Zenon Bankowski and Maksymilian Del Mar, *The Moral Imagination and the Legal Life: Beyond Text in Legal Education* (Ashgate 2013; Routledge 2016): 145-168. Also available at <http://nrl.northumbria.ac.uk/6637/>

²⁷ Dermot Feenan, ‘Law and Compassion’ (2017) Vol 13 (2) *International Journal of Law in Context* 121,

²⁸ *Ibid.*, 136.

‘tapped into’ emotions. Many students noted that the video of ‘Paul’s Story’ on homelessness, in particular, allowed for an opportunity to connect with and see ‘how real lives are affected’.²⁹ This video provided an opportunity for students to consider the hierarchies produced within the structure of land law and to question broader societal issues on the housing crisis, empty properties and the status of home ownership. ‘Paul’s Story’, in effect, pushed students and teaching faculty alike to reflect and question powers structures embedded within the land law curriculum. One student noted that Paul’s Story offered a ‘layer you cannot get in a text book’.³⁰ Another said, the video ‘humanises it’.³¹ Whilst it is difficult to assess whether the visual is a more powerful means within which to evoke emotion and reflection, this video certainly had that impact on students and provided a context for a much richer and more thoughtful and profound discussion on homelessness in our seminars.

Beyond the emotional impact and awareness raising that the visual can have, students also commented on the impact of the video in terms of memory and the power of the visual in terms of association techniques. One student put it simply: “you remember the video far easier than you remember the lecture”.³² Another noted that the “videos are helpful – because you can take in more in a shorter space of time”.³³ This student feedback closely aligns with the research on cognitive theories of multimedia learning.³⁴ Videos can be a highly effective educational tool whereby the two channels for learning are engaged and working memory capacity is maximised. This in turn, has a significant impact on long term memory.

²⁹ Student evaluation responses and Student Focus Group, 2019.

³⁰ Participant 2, Student Focus Group 2019.

³¹ Participant 4, Student Focus Group 2019.

³² Student Evaluation Response, via Survey Monkey 2019.

³³ Ibid.

³⁴ Richard Mayer, *Multimedia Learning* (2nd edn, Cambridge University Press 2009); See also C J Brame, ‘Effective educational videos’ (2015) Accessed from <http://cft.vanderbilt.edu/guides-sub-pages/effective-educational-videos/>. (Last accessed 17 February 2020).

Furthermore, and as alluded to in the introduction, the benefits of utilising the visual or, more broadly, multimedia instruction, are not solely confined to the learner. On visual literacy specifically, both Mayer and Eilam refer to the “dual function” inherent in the incorporation of the visual in instruction.³⁵ When teachers increase their visual literacy they improve as teachers because they are better able to select, construct and use appropriate instructional communications that include visualisations.³⁶ The benefit is, therefore, not confined to the student or learner but is also felt by the teacher. Teachers improve when they improve their knowledge of how to use and interpret visual representations.

This concept of dual function resonated most powerfully in the conceptualisation and development of this project. While seeking to provide a platform and make space for students to learn, challenge and question, I, as facilitator, felt a returning to a more creative self and also a deeper connection with the subject. Thus, as a result of the thinking, the creativity and planning involved in developing the video project, I am now more truly connected to the subject of land law and I believe that I have become a more effective teacher as a result. I now think more carefully and thoughtfully about how I teach land law and about the messages and hierarchies reproduced in my teaching. I consider the visual representations that I select and don't select and how I try to transport students out of the lecture theatre and seminar space to challenge, question and reflect, more deeply, on the operation of land law in practice.

³⁵ See further Billie Eilam, *Teaching Learning and Visual Literacy: The Dual Role of Visual Representation* (Cambridge University Press, 2012), 1-10 and Richard Mayer, *Multimedia Learning* (2nd edn, Cambridge University Press 2009).

³⁶ Billie Eilam, *Teaching Learning and Visual Literacy: The Dual Role of Visual Representation* (Cambridge University Press, 2012), 1-10.

The virtual land law field trip idea – early conceptualisation and development

Virtual field trips are not a new concept in education and have been utilised for some time in the disciplines of geography, history and science in particular.³⁷ In geography, by way of example, virtual field trips provide a substitute for the traditional field trip and play a valuable role in supporting and enhancing teaching by transporting students out, virtually, to a space and place where a shortage of resources will not allow for the real thing. In legal education, while field trips to courts and day outings to well-known case locations are common place, the concept of the virtual field trip, as far as I am aware, is less common.³⁸ Embracing the virtual for this land law project came about as a result of wanting, as noted in the introduction, to take students out of the confines of the lecture theatre and seminar room space and into the reality of land law in practice. The idea, through the use of videos, was to offer more colour, dynamism and movement in instruction and ultimately to dismantle, virtually, those lecture theatre walls and seminar spaces that can often stultify and neglect opportunities for learning and critique. As also stated in the introduction but worth reiterating, the project also sought to demystify and challenge the view that land law is boring and something to be endured rather than enjoyed.

In the initial funding bid to support this project, it was proposed, rather idealistically it must now be added, that the project would have a national feel and would also involve visits to key land law case locations – such as Leicester Square and Vicarage Road. Regrettably, or perhaps fortunately, £5000 doesn't allow for such extravagance. On realising how far the budget would actually go, the project very quickly became more localised in its remit. Arguably, it is that more localised remit and focus in the videos that is, in fact, its strength by offering

³⁷ Richard Mayer, 'Forward: The role of visualisations in learning and teaching' in B Eilam, *Teaching Learning and Visual Literacy* (Cambridge University Press, 2012), xiii.

³⁸ Though not a field trip as such, it is worth noting the work of Thomas Dunk at the University of Hertfordshire who developed the Virtual Town as part of the delivery of the land law module there. In that project, he used the 'town' to visually engage discussions across the land law module course. It also featured as part of the assessment.

something specific and particular for students studying land law at the University of Sussex. The videos certainly have a ‘Brighton’ feel. On that point however, it is worth noting that a few students in the focus group suggested that a more national feel would have been more beneficial. One noted that it is “too focused on Brighton”.³⁹ In this respect there was, in essence, a clash of ideals. Whilst I, as facilitator, thought the local feel would be beneficial for students, some of the participants in the student focus group were eager to see the national, and possibly the global, and thereby move beyond that local. On reflection, this is not surprising; half of the participants in the student focus group were graduate entry students (and mostly from overseas) and spoke very much about wanting to be part of the global. It was clear that they did not see their future legal career in ‘this local’ and thus wanted more exposure to the practice of land law at a national and global level. Interestingly though, those students in the focus group that were not practice orientated really valued the local focus in the videos.⁴⁰

As it currently stands, the video project comprises of ten bespoke land law videos that are used within the teaching of the land law module at the University of Sussex. It should be made clear that the videos do not replace the ‘traditional’ teaching delivery of land law. Rather, they have been drawn upon in lectures and in seminars and are provided as part of a bank of independent learning tasks in seminar reading. As such, the videos accompany the module, they do not replace the teaching. The videos are, as intended, diverse in nature and include different issues, voices and perspectives. The videos examine the Geographer’s Perspective (Video 2), issues that engage with student housing in the city of Brighton (Video 5 and Video 6), homelessness (Video 7 and Video 8), the housing crisis in Brighton and beyond (Video 8), the impact of cuts to legal aid (Video 6) and also the Grenfell Tower disaster in London (Video 3). In this respect the videos connect to issues raised in some of the key topics of the traditional

³⁹ Participant 5, Student Focus Group, 2019

⁴⁰ Participant 2 and Participant 4, Student Focus Group 2019.

curriculum of land law but also very much seek to push beyond and challenge the themes of alienation and exclusion within the land law curriculum.⁴¹ The video project also includes a number of short videos from David Smith, Partner at Anthony Gold Solicitors, who provides advice to (our) students on ‘advising clients in land law disputes’ (Video 4). He reminds students that suing is not always the best option and encourages them to try to provide alternative advice to ‘their’ clients. As a teaching team, we have certainly noticed the impact of that video coming through in student problem question responses. In particular, we have noted (our) students thinking more carefully about the advice they give. David also featured in a video advising law students on a career in legal practice (Video 9) and in Video 10, on mortgages and human rights, he shared practitioner insights on the Supreme Court case of *McDonald v McDonald*.⁴² Students greatly valued the practitioner element of the project. One student noted that “the video on advising clients was really helpful”.⁴³ Another student noted that the video on “*McDonald v McDonald* really illustrates how complex and entangled legal issues can be...David's advice to law students is very helpful”.⁴⁴

From a practical perspective, and for those that might wish to pursue a similar project elsewhere, it is worth noting that I worked with two film and media masters level students, Dominic Boos and Jamie Wyatt, to produce the videos for this project. Once I had decided on the types of videos I wanted and the locations and ‘voices’ to be included, Dominic, Jamie and I would go out to ‘shoot’ the videos. Dominic and Jamie then transcribed every video shoot and I selected the sections and messages I wanted to keep. This part of the process was hugely time consuming for all of us. For each video we would have about an hour’s worth of material. Once we got to a point that we were clear on the script, we then spent time discussing the visual

⁴¹ D Cowan, L Fox O’ Mahony and N Cobb, *Great Debates in Land Law* (2nd ed Routledge 2016), Chapter 1.

⁴² *McDonald v McDonald* [2017] UKSC 52; [2017] Fam LR 78.

⁴³ Participant 5, Student Focus Group 2019 and echoed in Student Survey (Spring 2019) and general feedback from students post seminars (Academic Term 2018/19).

⁴⁴ Participant 8, Student Focus Group 2019.

off cuts, music and sound etc. We rarely took retakes as the budget simply didn't allow. On final editing, the videos were then uploaded to YouTube on a private setting where I was then able to transfer the videos over to our virtual learning environment (now Canvas) for students to access. In total, the project took about 18 months to complete.

Though very time consuming as a process, the project was also hugely rewarding. In particular, the project opened up new partnerships across the university and in the local community, as alluded to above, that I would otherwise not have engaged with. I spoke to geographers, equality officers, the housing office on campus, homeless people, NGOs and practitioners. Whilst more and more connections appear to be developing between universities and local communities many of those links and partnerships are either targeted at pre-university level to get students 'in' or for research purposes and REF impact case studies or simply raising the profile of the university. This project demonstrates the potential for co-curriculum partnerships and the scope for further community development and cross campus partnership for teaching and learning purposes. These types of partnerships and engagements should be further encouraged, incentivised and supported by universities. On this point more generally, far greater funding opportunities and buy out options should be provided by universities for teaching and learning based projects. Universities, in general, do encourage and celebrate innovation in teaching but for the most part they don't provide resources to match. Far more needs to be done in this area.

Countering the dominance of *the text*: Challenging the status quo

Whilst the main objective of this video project was to move beyond the dominance of text in instruction, it equally provided an opportunity to move beyond the dominance of what's *in* that text. Drawing on the seminal work of Duncan Kennedy in 'Legal Education as Training for

Hierarchies', Cownie reminds us that "the ideological impact of the university law school lies not just in the way in which things are taught but what is taught".⁴⁵ What is in, or out, speaks both implicitly and explicitly. Legal education reproduces a hierarchy and we, as law teachers, facilitate that reproduction. For Stanley who has explored and applied Kennedy's arguments in a British context, the "dominance of the rule based, procedural subjects which are of relevance only to certain sections of society ensures the continued individualist free-market ethos".⁴⁶ The subjects that command the curriculum are therefore of relevance only to a small section of the population. The disputes, are largely, over property when in truth large sections of the population are not property owners. Most of the land law module is focused on the owning of property. In this respect, the lives of many are written out of the curriculum in favour of the needs of the economic system.⁴⁷ This then teaches students that the important areas of law, and practice, are the areas which involve large amounts of money, major companies and the economy. This project seeks to challenge, at least in part, that reproduction and to provide a platform for challenging the status quo in the land law module.

Feehily reminds us that part of our role as teachers and educators is "to take students beyond their own assumptions about the parameters of the subject and provide new opportunities for exploration and a broader vision to enhance learning".⁴⁸ Learning, in his view, is a process whereby individuals take on broad new ideas and add them to their existing conceptual frameworks, with the intention of reaching a goal, such as the solution to a problem.⁴⁹ The role of the teacher is to support this process, assisting learners in the process of

⁴⁵ Fiona Cownie, Anthony Bradney and Mandy Burton, *English legal System in Context* (6th edn, Oxford University Press 2013), 128.

⁴⁶ C Stanley, 'Training for the Hierarchy? Reflections on the British Experience of Legal Education' (1988) 22 *The Law Teacher* 78, 83.

⁴⁷ Fiona Cownie, Anthony Bradney and Mandy Burton, *English legal System in Context* (6th edn, Oxford University Press 2013), 129.

⁴⁸ Ronán Feehily, 'Problem-Based Learning and International Commercial Dispute Resolution in the Indian Ocean' (2018) Vol 52 (1) *The Law Teacher* 17: 17-37, 17.

⁴⁹ *Ibid.*

reconstructing their experience in the face of new ideas, and relating it to the external conditions of the problem. In Video 8, on homelessness in Brighton, students were presented with challenging questions about the ‘use’ and ‘value’ of property. What is property for? And for whom? Echoing the work of Cowan et al, on alienation and exclusion, Paul’s Story challenges this head on. Who does land law alienate and exclude? What hierarchies are reproduced? Nigel, from Brighton Housing Trust, reminds students in Video 6 that they are part of the problem of the housing crisis and shortage of housing in Brighton. Why would private landlords rent a property to a family on benefits when a student can pay six months’ rent up front? Students, the university, the academy are, he suggests, complicit in dividing and demarcating the Brighton population and causing the housing shortage and crisis.⁵⁰

Was it worth the effort? What did the students think?

Overall, the feedback on the project from students and colleagues has been really positive but as with any teaching project there is always room for improvement. In terms of the strengths of the project, students noted in particular (1) a deepened understanding of the social and political context within which the land law module sits, (2) memory and association techniques and (3) an insight into legal practice.

Given one of the aims of the project, to counter dominance and to challenge the status quo, I was happy to hear that many students were in agreement with a student who noted that “the project helped with a better understanding of ‘the bigger picture’ and the effects of land law policy on society at large”.⁵¹ Another student noted that “it critiques and challenges land law” whilst another noted that the video project provided us with “the ability to look at the

⁵⁰ Video 6 of the project.

⁵¹ Participant 4, Student Focus Group 2019.

cultural and political aspects that intersect”.⁵² Very encouragingly, another noted that the project helped generate “discussion amongst my peers”.⁵³ In the focus group, one student spoke passionately about the importance of highlighting “social justice” issues in the land law module and the role of the video project in doing that.⁵⁴ More generally, the project was described as “a transformative way of teaching” whilst another noted that, as a visual learner, the project was “helpful for my understanding”.⁵⁵ On memory and recall specifically, students in the student focus group and in the survey noted that the videos were very effective in terms of “memory/association techniques”.⁵⁶ Quite simply, “you remember the video”.⁵⁷

As highlighted earlier in the piece, all of the students valued the practitioner input and noted that hearing from a practitioner about “how to advise a client” in land law cases was “really helpful”.⁵⁸ Another student said the videos “deepened my understanding of legal practice”.⁵⁹ That said, a number of students did note that they would have preferred greater variety and diversity in solicitors. I agree. Whilst the videos from David Smith are excellent, informative and clear, the sole inclusion of a white male solicitor in a project that seeks to challenge hierarchy and status quo in law is, by my own admission, deeply problematic. There is, therefore, much more work to be done on that front. Interestingly, one student said they would have liked to have seen more “conflict” in the videos.⁶⁰ They said they would have liked to have seen solicitors giving different opinions and viewpoints on a legal issue.⁶¹

In terms of weaknesses, the feedback pointed to production and actual connection with the curriculum. Of those attending the student focus group, a number of the students who had

⁵² Participants 2 and 7 respectively, Student Focus Group 2019.

⁵³ Individual student feedback via email, 2018.

⁵⁴ Participant 2, Student Focus Group, 2019.

⁵⁵ Student Survey Feedback and Participant 1 of Student Focus Group, 2019.

⁵⁶ Student Survey Feedback, 2019.

⁵⁷ Participant 1, Student Focus Group, 2019.

⁵⁸ Participant 5, Student Focus Group, 2019.

⁵⁹ Participant 8, Student Focus Group, 2019.

⁶⁰ Participant 6, Student Focus Group, 2019.

⁶¹ Ibid.

previous experience in video production, were quite critical of the production of some of the videos. One student noted that the videos “could have been edited more professionally”.⁶² The same student also noted that there was “too much blank space”.⁶³ This feedback is, of course, somewhat disappointing but helpful in terms of future development. It also points to the limited budget and the resources allocated for such projects. I had a total of £5000 to spend on this project and as mentioned above I worked with two very good media and film students to develop the project but it was not a professionally developed project. It is worth noting that, if I had availed of a professional film maker, the output would have been no more than 3 or 4 videos as per one quote I received. It is also fair to say that as the budget ran out the production and editing became less. My concern moving forward is that if I wish to add to the videos already produced, I will most likely be ‘producing’ the videos myself with limited support and no budget.

On the “too much blank space” point, there is software that can be used to add text and questions into the videos. At the time of writing, I am in the process of editing the videos using our new lecture capture software – Panopto. With this, I can add short questions to the videos. Adding text and questions to videos to ensure better engagement is known as signalling or cueing. As noted by Brame, this process can help to reduce “extraneous load” on the learner and equally “enhance germane load”⁶⁴ and as a result send the material to long term memory and thereby result in more meaningful learning. In Panopto, I have also been able to ‘trim’ some of the longer videos. By my own admission some of the videos in the project are too long. According to the literature on ‘effective videos’, videos should be no longer than 6 minutes.⁶⁵

⁶² Participant 6, Student Focus Group, 2019.

⁶³ Ibid.

⁶⁴ See further C J Brame, ‘Effective educational videos’ (2015) Last accessed 25 February 2020 from <http://cft.vanderbilt.edu/guides-sub-pages/effective-educational-videos/>.

⁶⁵ Ibid.

Lessons learned and next steps

The lessons learnt from this project have been immense. Despite some negative feedback, overall, I think it is fair to say that the students very much valued the inclusion of the video project as part of the land law module and that it was worth the effort. The strengths, as identified by the students, including social and political awareness, greater memory and association technique and practitioner insight far outweighed the negative comments. Further still, with respect to one of the key weaknesses identified on ‘too much blank space’, this is an issue that can be easily rectified via various software and TEL platforms.

One aspect of the feedback that does require further reflection, however, is the point about how well the videos are/were connected to the land law curriculum. This is a difficult one because, as noted at the outset, one of the aims of this project was to challenge the curriculum itself: that is to ask who is land law for, who does land law alienate and exclude etc.? One of the key aims was to counter the dominant voices and push beyond the curriculum. On reflection though, I have to consider whether in investing so much time in the project, had I lost sight of some of the learning objectives of the module or was it simply that I didn’t do enough groundwork in explaining the aims of the project to students. I would like to think it is/was the latter but do appreciate that there is scope for improvement in terms of the ways in which the videos are embedded into the module, and when. Ideally, and in terms of next steps development, I would like to be able to encourage our students to start making their own short land law videos as part of this project. This, I believe, will make the videos more meaningful and will allow (our) students to engage with creativity whilst also learning and understanding key aspects of land law. It would also allow for the positioning of the video project as part of transferable skills development.

In sum then, for the ‘countering of the dominance’ of text to be as effective as possible, any videos produced should be short, provide cueing and signalling and be incorporated into

teaching and learning at key points. Ideally, students should be introduced to the videos and the project at the start of the module so that it doesn't become obscure 'bolt on' at a later stage. Finally, for a video project of this kind to be most effective, students should be provided with the opportunity to produce their own videos. Obviously, in very large cohorts some thought will need to be given about how this can be effectively managed so as not to greatly increase workload on the teaching team of the module.

Conclusion

The purpose of this article was to map the conceptualisation, development and impact of the Virtual Land Law Field Trip Project @ Sussex. Notwithstanding some weaknesses identified in the project, the article nonetheless concludes by strongly advocating for a greater commitment to moving beyond the dominance of text in legal education and embracing the visual where possible. Utilising more dynamic visual representations such as video enhances instruction, supports cognitive memory and is an excellent way to provide meaningful practical insight examples as demonstrated here. Further still, videos can also provide a powerful means within to help students tap into other senses and allow students to not only learn the law, but to feel the law. Finally, and perhaps most importantly, dynamic visual representations such as video also provide an effective space within which to provide counter narratives to challenge, where necessary, the curriculums we teach.

Disclosure statement

No potential conflict of interest was reported by the author.

Words: 6806