

Building in conversation about writing should help students better understand and develop their ability to have the effective internalised conversations that are essential to good legal writing and analysis.

TEACHING METHODS & MEDIA

Deep and surface learning: can teachers really control student approaches to learning in the law?

P Baron

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In pedagogy generally over the past 20 years there has been a move to teaching methods that encourage deep, rather than surface, approaches to learning. A deep approach to learning is one in which the student intends to gain personal understanding from the learning task. A surface approach, on the other hand, is adopted when the student's primary motivation is to avoid failure. Such a student tends to memorise information without meaning and organisation.

Educationalists argue that surface approaches to learning are undesirable. Students who adopt a deep approach to learning are considered to have learning outcomes of a better quality than those who adopt a surface approach. On this basis, teachers should discourage surface approaches to learning and encourage deep approaches.

A deep approach to learning law enables the student to make meaning of legal doctrine and to cope with the rapid rate of change that characterises many areas of the law. From a practical perspective, rote memorisation of particular cases or statutes is unlikely to be of much use to students by the time they are in legal practice. The move to deep learning approaches has coincided with the move to 'student-centred learning' in law. 'Student centred-learning' is a

process of learning by self-discovery under the supervision of a teacher. In this process, the student is the focus of the learning exercise.

Despite the apparent desirability of deep learning in law and the trend to student-centred learning, the nature of law may serve to hinder the widespread adoption of deep learning approaches. The volume of cases, rules, procedures and legislation that dominate law tend to foster a surface approach to learning. For the student, it may be difficult to comprehend the learning of the law as anything more than a system of rules that demands memorisation. Such an approach may be reinforced by the traditional method of teaching law by lecture, which tends to reduce the student to a scribe. The educational literature stresses the importance of teaching methods, and, in particular, the teacher's role in student approaches to learning.

Educationalists suggest that we can encourage our students to adopt a deep approach to their studies in the following ways: by designing our curriculum to encourage active, long-term engagement in learning tasks; by presenting our material in a way that demonstrates our own interest in the subject in an engaging, meaningful and considerate manner; by stating our expectations of our students clearly; and by providing students with some choice in the content and method of study. Conversely, we may encourage our students to take a surface approach to learning by overloading them; creating stressful assignment regimes; stressing the need for recall of trivial information; providing mixed or cynical messages about rewards; or failing to provide effective feedback on student progress. Commentators and teachers have observed that despite the best efforts to create an environment which should foster deep learning, some students still take a surface approach. Indeed, some students resist strenuously taking anything other than a surface approach.

Some commentators have suggested that the approach to learning adopted by a student in any particular learning situation is more complicated than the literature suggests. It is determined by a complex interaction between the students pre-existing beliefs about knowledge and education, their general predisposition towards particular learning approaches and their perceptions of the learning approach that is required by the educational context. If this is the case, establishing contexts which encourage a deep approach may not be sufficient because students' perceptions of that context of their learning situation will influence their approaches to learning.

A psychotherapeutic approach stresses the importance of the personal relationship between the teacher and the learner. As a student feels more understood and thus more integrated and able to learn, this approach is likely to foster mastery of the curriculum. Attempts to understand the meaning of the learning experience for individual students has been shown to enhance students' feelings of personal integration or self-cohesion, leading to increased receptivity to new learning. For instance, in our teaching we need to remain open to the idea that a student's adoption of a surface approach to learning is not necessarily a failing on our part; nor is it automatically the result of 'laziness' or disinterest in the deeper aspects of a particular issue. Rather it may be the result of a specific inhibition.

Collaborative learning may encourage deep learning by lessening the students' anxieties with the prospect that students can overcome their inhibition toward asking deeper questions. Similarly, for the student who goes 'too deep', seeing surface learners approach material with a 'broad brush' technique without terrible consequences may also lessen anxiety and overcome the inhibition toward the broad overview. If students understand that they tend to a particular

learning approach and understand the possible reasons for this tendency, they may be capable of overcoming their inhibitions, at least to some extent.

Lastly, a psychotherapeutic approach suggests that the teacher should not become overly attached to any particular outcome. This may be, for many of us, the hardest idea to accept. For instance, many dedicated teachers aspire to encourage their students to be active learners. We should allow students who want to learn passively to do so, a notion that again runs counter to much educational material. This is linked to the idea that teachers should adopt an empathetic, rather than a judgmental approach.

There seems to be something of a paradox at work in university teaching generally at present. Despite the fact that, as teachers, we are expected to encourage lifelong and independent learning, increasingly, we are held accountable both for our students' outcomes and their classroom experiences. This debate is a significant one for law, where a number of commentators have suggested that learning law necessitates a deep approach. If the psychoanalytical view is correct, our students enter the classroom somewhere along a spectrum of learning approaches from deep to surface. Attempts to force these students to adopt a different learning approach are likely to meet resistance and may be largely unsuccessful.

A psychotherapeutic approach would lead us to take a cautious approach to teaching and learning. Like our students, we too enter the classroom with a variety of inhibitions, anxieties and defences. This being so, we need to reflect upon our desires for our students to learn in a certain way or to achieve certain learning outcomes. An approach influenced by psychotherapy suggests that our teaching needs to be driven less by narcissistic and heroic tendencies and more by openness, reflection and conscious awareness.

Deep or shallow approaches to study undertaken by undergraduate distance learning law students of the University of Wolverhampton

P Halstead, J Evans, B Mitchell & S Williams

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Postal correspondence courses were for many years the traditional means to acquire qualifications, gain promotion or change one's career, and thus to get on in life. Radio and television came to play their respective parts in the process, and these in turn have been supplemented although not supplanted by a variety of on-and off-line electronic delivery modes. However the means to learn are delivered, students must study and be assessed, and it is likely to remain necessary to retain a variety of traditional learning, teaching and assessment modes and methods, whilst building on them for the future. In an era when the process of globalisation operates in a variety of spheres, not least in respect of education and communication, the importance of distance learning is bound to be of continuing and probably increasing importance, and the quality of the teaching delivered and the learning absorbed is crucial.

This paper, based on recent research undertaken by members of the School of Legal Studies (SLS) at the University of Wolverhampton, sets out to investigate some aspects of the effectiveness of law students' distance learning with particular reference to how they acquire legal knowledge and the extent to which they take a deep or surface approach to that learning. The largest cohort of students taught by SLS is that studying on the LLB by Distance Learning (DL) in over 70 countries, particularly in Hong Kong, Bangladesh and the Caribbean.

DL students, with two exceptions, study the same modules as their

campus-based counterparts. Their opportunity for face-to-face contact with academic staff is limited, although they may communicate electronically. Where student numbers justify it, they are given the opportunity to attend study skills workshops at Easter and prior to Christmas, currently delivered in London and Hong Kong by a small specialist team. Students may also obtain academic guidance by submitting written queries to staff by post, as well as email. Most students, however, rely solely on the printed teaching materials provided on commencement of the study of a module and this approach is characterised as materials-based learning.

Prior to this research project no systematic attempt (apart from annual monitoring feedback) had been made to establish how DL students approached their studies and only limited changes had been made to study materials since validation in 1991. However, an internal review in 1998 led to significant alterations in assessment practice, the structure of the academic year and module credit value. The assessment regime changed from a combination of coursework and unseen examinations to unseen examination with a learning project, where the subject area of a compulsory question providing half the marks is indicated in advance, although the question itself is unseen. Part of the rationale for the changes was to enhance opportunities for DL students to gain a deeper understanding of their study materials, rather than being driven to rely on memorisation and mechanistic reproduction. This research project provided an opportunity to gain insight into the efficacy of these changes in view of practitioner based evaluation being recognised as an important basis for developing quality and improving learning in distance education.