

Short notice

FIELD TRIPS AS TEACHING TOOLS IN THE LAW CURRICULUM

Noelle Higgins Irish Centre for Human Rights, NUI, Galway

Elaine Dewhurst Max Planck Institute for Social Law and Social Policy,
Munich

Los Watkins School of Law, University of Hertfordshire

While field trips are often employed in primary and even second level education as a pedagogical tool, aimed at exposing students to real life experiences, such activities are not as popular at third level (Falk and Balling, 1982; Muse, Chiarelott and Davidman, 1982; Anderson and Zhang, 2003). However, such experiential learning techniques can be invaluable to university students by allowing them to engage more with the world around them and to see a practical side to their area of study. Scarce identifies field trips as a form of 'short-term experiential education' and comments that 'what students learn and the way they learn it should be rooted in society and in social experiences' (Scarce, 1997, p. 219). He locates these activities in the experiential learning framework, as espoused by educationalists such as Dewey (1938) and DeMartini (1983). This short article contains an analysis of academic literature on the use of field trips in third level education and their potential value in the law curriculum. Law is a suitable subject to explore through the use of such trips, as lecturers endeavour to illustrate how the rules and principles propounded in legal instruments and cases influence society and how, concomitantly, societal changes and opinions influence the creation and development of law.

Benefits of field trips

The literature highlights a number of important benefits to be gained from including field trips in the curriculum of third level programmes in a number of disciplines, including bridging the gap between the theory of books and real life incidents 'at a depth that cannot be gained through books and lectures alone' (Wright, 2000, p. 117). Field trips encourage students to

engage in more critical and creative thinking outside the bounds of the classroom (Scarce, 1997), and allow students to engage more actively in the learning process (Falk and Balling, 1982). The alteration of the learning environment from inside the classroom to an alternate venue can increase enthusiasm and motivation for teaching and learning (Wright, 2000) and make the learning experience more enjoyable and meaningful (Scarce, 1997). In addition, field trips facilitate a bonding between students and between staff and students, which creates a more supportive learning environment (Scarce, 1997). Significantly, field trips can provide students with an insight into their future profession and serve as a bridge between the university and the workplace (Chickering, 1977; Cantor, 1997). Field trips also facilitate student access to locations to which they may not normally be admitted, and which students may not feel comfortable visiting on their own (Scarce, 1997).

Field trips in the law curriculum

The value of field trips in the law curriculum should not be underestimated. ‘Law is the cement of society’ (Williams, 2002, p. 2) and in order to gain a comprehensive insight into the development and operation of law, students must be given the opportunity to view the interconnectivity of law and society. The use of field trips in legal education, particularly to view cases in courthouses, is particularly valuable in preparing third level law students for their future careers as legal professionals. There is an increasing interest in the concept of apprenticeship in third level education, stemming from the standpoint of cultural anthropologists such as Jean Lave (1993; 1996), which considers the process of learning to be one where ‘work is an educational site in which pedagogical and learning practices have always taken place’ (Casey, 1995, p. 74). In legal education, however, we would suggest that the traditional learning environment has been one where, all too often, the transmission of decontextualised knowledge in relation to vocational practice is seen as the norm.

Apprenticeship is usually portrayed through legal anthropology as being concerned less with formal teaching and explicit instruction (Coy, 1989), and more with the process of assimilation of knowledge and skills through observation and emulation. However, a more useful model in legal educational terms would be that of Vygotsky (1978) with the concept of a zone of proximal development, developed by Griffen and Cole (1985) through their interpretation of ‘activity theory’. This was taken further by Lave so that her apprenticeship concept embraces the relationships and interactions between social, cultural and technical practices and competencies (Lave, 1996). A field trip to a public gallery in a courthouse provides students with the opportunity to observe barristers, solicitors and judges at work, to notice dress, customs and work methods, to see how legal professionals use the law and to appreciate their legal knowledge and skills, thus allowing them to develop a ‘lawyer identity’.

In terms of skills acquisition through this more encompassing model of apprenticeship, this leads towards the Dreyfuss model (Dreyfuss and Dreyfuss, 1986), where the five stages of skills acquisition are seen as running hierarchically through novice and advanced beginner to competent, proficient and expert. Law is essentially a hierarchical profession, and the model clearly shadows the professional progression of a lawyer, leading to a situation where actions become intuitive rather than analytical. Critique of this model is not within the scope of this article, but what might be taken from the argument is that learning for law students is best encompassed by an apprenticeship system which not only gives knowledge, but also shows clearly the application of that knowledge in a professional situation. Put simply, one might teach the tortious concept of a 'duty of care' within a third level traditional teaching environment, but a trip to a courthouse to view a case dealing with negligence allows students to fully appreciate that the initial generality of legal dicta can, and indeed must, be used specifically within a working environment, that of the Court, in order to achieve a practical result.

Law students, when they graduate to a working environment, must become part of a 'community of practice' (Lave and Wenger, 1991) as novices, and in order to progress, they must be able to relate theoretical legal concepts to workplace practices (Gott, 1995). We would suggest that our students are not only able to see 'masters' at work on field trips to, for example, courthouses, law firms, EU institutions, etc., but are also able to better comprehend the difference between their novitiate position and their need as 'apprentices' to see their decontextualised knowledge put into a context of practice. Taking the above example of tort law, one might consider the various types of tort cases within the various Courts, those in the lower Courts being relatively simple to comprehend, while those higher, at the appellate level being more complex. With complexity of argument must come the inherent mastery of the law, and the ability to construct complex lines of advocacy in order to persuade the Court where opposing sides each have excellent arguments. One might then suggest that the novice lawyer or student is better able to comprehend the relative mastery required at each stage in the hierarchy of the Court system. By viewing the arguments employed by the opposing advocates in such court cases, the viewer with the basic technical knowledge of the relevant law can appreciate the use of the legal dicta to address the individual legal issues and, just as importantly, see the level of mastery of material and advocacy which are the hallmarks of top class lawyers. The authors suggest that this type of insight cannot be gained from merely reading judgments, but must be acquired by seeing law in action, through means of a field trip, and by being within the zone of proximal development.

Preparations for field trips

While the preceding paragraphs highlight the importance of field trips in the law curriculum, some difficulties can attach at times to such learning

activities. The most common difficulties that arise with field trips take the form of ‘administrative road blocks’ (Scarce, 1997), such as travel and insurance arrangements, costs of entry to field trip sites and lack of support from home institutions (Anderson and Zhang, 2003). Another significant consideration is that of time constraints on the part of both the student and the lecturers. Accommodating field trips as part of the curriculum requires timetable management and at least a semi-flexible curriculum (Scarce, 1997; Anderson and Zhang, 2003). In addition, Grant et al. (1981) warn of the possibility of creating a ‘zoo phenomenon’ if students are not provided with a suitable context for the field trip and are unprepared for the learning activity. Such unguided field trips culminate in ‘students peering out passively at a site and reinforcing their stereotypes’ (Wright, 2000, p. 118). However, the majority of these difficulties can be mitigated with planning and preparation (Sobal et al., 1981; Muse, Chiarelott and Davidman, 1982), and the benefits to be gained by students from field trips outweigh any difficulties which attach to such activities.

The current situation regarding field trips in law curricula

Field trips into the legal community offer an exciting opportunity for the students to understand the societal roots of law and to see law in action, as well as to provide them with a preview of life as a legal professional. While field trips are included in some law modules on some programmes, e.g. a trip to a jail may be included within a criminal justice module, or a module on European Union law may include a field trip to the European Union institutions, they are generally included in an *ad hoc* manner, often with no real context and/or without learning outcomes attached, or no post-trip analysis undertaken. However, as discussed above, structured and syllabus-embedded field trips can be beneficial from a number of perspectives in the law curriculum: as a motivating tool, as a means of contextualising legal theory and to provide an opportunity to focus the students on career options and possibilities. One of the most significant benefits for law students is the de-mystification of the legal professions and the Courts and improved self-confidence in dealing with legal professionals and others.

‘Law schools serve as launching pad and gatekeeper for the legal profession’ (Silver, Garner and Watkins, 2011) and they should embrace this role and consider the more strategic incorporation of field trips into the law curriculum in order to create opportunities for students to observe the law in action, contextualise their legal theory and develop important legal and personal skills.

References

- Anderson, D. and Zhang, Z. (2003), ‘Teacher perception of field-trip planning and implementation’, *Visitor Studies Today*, 6 (3), 6–11.

- Cantor, J. A. (1997), *Experiential Learning in Higher Education: Linking Classroom and Community*, Washington, DC: ERIC Clearinghouse on Higher Education.
- Casey, C. (1995), *Work Self and Society*, London: Routledge.
- Chickering, A. W. (1977), *Experience and Learning: An Introduction to Experiential Learning*, New Rochelle, NY: Change Magazine Press.
- Coy, M. (1989), *Anthropological Perspectives on Apprenticeship*, New York: SUNY Press.
- DeMartini, J. R. (1983), 'Sociology, applied work, and experiential learning', *Teaching Sociology*, 11, 17–31.
- Dewey, J. (1938), *Experience and Education*, New York: The Macmillan Company.
- Dreyfuss, H. L. and S. E. Dreyfuss (1986), *Mind Over Machine*, Oxford: Blackwell.
- Falk, J. H. and Balling, J. D. (1982), 'The field trip milieu: learning and behavior as a function of contextual events', *Journal of Educational Research*, 76 (1), 22–8.
- Gott, S. (1995), 'Rediscovering learning: acquiring expertise in real-world problem solving tasks', *Australian and New Zealand Journal of Vocational Education Research*, 3 (1), 30–68.
- Grant, L., Heirich, M., Martin, S. and Van Eck, E. (1981), 'The Detroit tour: experiential learning within the framework of a large lecture course', *Teaching Sociology*, 9, 15–29
- Griffen, P. and M. Cole (1985), 'Current activity for the future', in B. Rogoff and J. Wertsch (eds), *Children's Learning in the Zone of Proximal Development*, San Francisco: Jossey Bass, pp. 45–64.
- Lave, J. (1993), 'The practice of learning', in S. Chaiklen and J. Lave (eds), *Understanding Practice*, Cambridge: Cambridge Press.
- (1996), 'Teaching as learning in practice', *Mind Culture and Society*, 3 (3), 149–64.
- and E. Wenger (1991), *Simulated Learning*, Cambridge: Cambridge Press.
- Muse, C., Chiarelott, L. and Davidman, L. (1982), 'Teachers' utilization of field trips: prospects and problems', *Clearing House*, 58, 122–6.
- Scarce, R. (1997), 'Field trips as short-term experiential education', *Teaching Sociology*, 25, 219–26.
- Silver, C., Garver, A. and Watkins, L. (2011), 'Unpacking the apprenticeship of professional identity and purpose: insights from the Law School survey of student engagement', *Journal of the Legal Writing Institute*, 17 (forthcoming).
- Sobal J., Hinrichs, D., Emmons, C. and Hook, W. (1981), 'Experiential learning in introductory sociology: a course description and evaluation', *Teaching Sociology*, 8, 401–22.
- Vygotsky, L. S. (1978), *Mind in Society*, Cambridge: Cambridge University Press.
- Williams, G. (2002), *Learning the Law* (12th edn), London: Sweet and Maxwell.
- Wright, M. C. (2000), 'Getting more out of less: the benefits of short-term experiential learning in undergraduate sociology courses', *Teaching Sociology*, 28, 116–26.

Address for correspondence

Dr Noelle Higgins, Irish Centre for Human Rights, NUI, Galway, Ireland. Email noelle.higgins@nuigalway.ie