

DYNAMIC/INTERACTIONAL CURRICULUM THEORY: WHAT ROLE CAN IT PLAY IN THE DEVELOPMENT OF LAW UNITS?

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ABSTRACT

Along with pedagogy and assessment, curriculum is a very important concept for all educators of students. This article examines the role that a knowledge and understanding of the dynamic/interactional model of curriculum theory can have in the teaching of law units. An analysis of the dynamic/interactional model as espoused by some of their principle proponents is undertaken in the context of their appositeness to law units. The article concludes with an indication that an understanding of and commitment to use formal curriculum theory can assist the legal educator in evincing professional acumen and provide for precision and rigour in the activities undertaken in the classroom environment which will stand up to independent review.

KEYWORDS: Dynamic/Interactional Curriculum Theory, Method, Law, Education

INTRODUCTION

Deriving from the Latin to mean *race* or *the course of a race*, the word 'curriculum' or 'curricula' is not new. What is new, however, is the concept of a systematic study of curriculum to provide for the formal framework of education. This way of the formal treatment or theoretical examination of curriculum has been around for just over one hundred years. The formal concept of curriculum can have a profound impact on the teaching of all law units. It is especially relevant because of how legal education takes place. That is, content is prescribed by external bodies and is expected to be delivered often by legal educators in a tertiary environment, who very likely have no formal training, qualifications or experiences in education itself. A knowledge of curriculum theory therefore is essential.¹ The dynamic/interaction theory of curriculum is delated in this paper and an examination is made as to its practical suitability for law units.

WHAT IS 'CURRICULUM'?

Although the word itself has been in existence for more than a thousand years, its meaning may not be clear. Indeed, the word 'curriculum' itself and the social and political concepts associated with it promotes controversy. The word 'curriculum' may take on different meanings dependant upon the contextualisation it is given.² On that basis it is worth taking a brief juncture to first broadly define, but then more specifically define, for the purposes of this paper, exactly what should be understand by the term.

As an initial, albeit a brief, starting point Johnson defines curriculum in this manner: "...curriculum is a structured

¹ R Gagne, *The Conditions of Learning* (Holt, Rinehart and Winston, New York, 1970).

² D L Smith & T J Lovat, *Curriculum: Action on Reflection* (3rd Edition) (Sydney, Social Science Press, 1993) 7.

series of intended learning outcomes."³ This would constitute a very basic definition of the concept, and it is contended that curriculum involves more than just 'outcomes'.

Noting the real more sophisticated nature of the term, Goodson adds upon this definition in stating: "(curriculum is) a multifaceted concept, constructed, negotiated and renegotiated at a variety of levels and in a variety of arenas."⁴

Lovat and Smith also have a rather brief definition of the term when they state: "Curriculum...represents a selection of the ideas, skills, values, norms and practices within society."⁵

Preston and Symes provide a more complex definition when they state: "...the curriculum is the general course that is followed within an educational system and it refers to its overall direction and to its chosen emphases."⁶

And Stenhouse states: "A curriculum is an attempt to communicate the essential principles and features of an educational proposal in such a form that it is open to critical scrutiny and capable of effective translation into practice"⁷

Although Stenhouse has stated "definitions of the word curriculum do not solve curricular problems"⁸, nonetheless the word itself is contextual. Based on the above information, it would be fair to state for the purposes of this paper, that curriculum is being used in its broadest sense. That is, curriculum structures the various learning experiences which lead to student learning outcomes. It incorporates the who, what, when, where, why and how of learning.

Flowing from this definition of curriculum is the creation of the models of curriculum. The theoretical curriculum development process or model of curriculum development systematically organises the entire learning process.⁹ That is, what content will be taught, who will be taught, and how the content it will be taught. Each of these components impacts and interacts with the other components

THE DYNAMIC/INTERACTION MODEL OF CURRICULUM WALKER

This model efficaciously seeks to denounce all other models on the basis that they do not reflect the reality of the development of curriculum in the unique environment of educational establishments or as Print states " they "do not reflect the reality of curriculum development in educational organisations".¹⁰ This may in itself create a potential problem in using this model in the legal education environment as traditionally teachers of law units are reluctant to change establish practice or methods. Although it is not the intention of this article to focus on the topic of change management, this should be a genuine concern of people in the field of curriculum reform, for as Halpin acknowledges :

The blunt truth is that we do not yet know very much about how to change a climate. More research is needed before any one of us can risk a headlong plunge into action programs in this area.¹¹

³ M Johnson, "Definitions and models in curriculum theory" (1967) 17 Educational Theory 2. 130.

⁴ I F Goodson, *Studying curriculum* (New York, Teachers College Press, 1994) 111.

⁵ T J Lovat & D L Smith, *Curriculum: Action on Reflection Revisited* (3rd Edition) (Wentworth Falls, Social Science Press, 1995) 12.

⁶ Noel Preston and Colin Symes (eds), 'The curriculum and the course of education' in Noel Preston and Colin Symes, *School and classrooms: A cultural studies analysis of education*, (Longman Cheshire, 1992) 77.

⁷ L Stenhouse, *An Introduction to Curriculum Research and Development* (London, Heinemann, 1978) 4.

⁸ Supra n 7, 1.

⁹ J B MacDonald, "Curriculum Theory" (1971) 64 The Journal of Educational Research 5. 196.

¹⁰ M Print, *Curriculum Development and Design* (2nd Edition) (Sydney, Allen and Unwin, 1993) 74

¹¹ A Halpin, "Changes and Organizational Climate" (1967) 5 Journal of Educational Administration 17. 11.

Curriculum development, exponents of the model argue, does not follow a sequential pattern, so a more flexible approach is not just desirable but unquestionably intrinsic. For as Peters states education "implies the transmission of what is worthwhile to those who become committed to it...and that it must involve knowledge and understanding and some kind of cognitive perspective, which are not inert."¹²

Original theorists in this area appear to focus on a model of curriculum which is less complex or at least less convoluted than rational/objective and cyclical models of curriculum. One of the main proponents of this model is Walker.¹³ Walker's 1971 model is relatively straightforward, comprising three phases. These being:

- The platform
- The deliberation phase
- The curriculum design phase

The platform phase in Walker's model refers to "...ideas, preferences, points of view, beliefs and values about the curriculum."¹⁴ In the development of law units these should be thought of in the broadest sense. For example in the teaching of a legal institutions type unit, this could mean the idea of why we have law and where law comes from.

The deliberation phase of the model from Walker involves interactions between various relevant stakeholders. This information is needed from bodies such as the legal profession, law reform agencies and other teachers in the field. It may be quite a lengthy task to gather all of these views and synthesise them into a valid consensus.

The third stage of Walker's model is the curriculum design phase. Here the designer will need to make decisions, based on the information gathered during phase two of the process, which will translate into the production of content/learning experiences that will be used in the classroom environment.

Some have argued that by avoiding the obsession with focusing upon objectives this model allows curriculum developers to be far more creative.¹⁵ But by being so creative, it is possible that the developers could mistake or distort what it was that they were originally trying to achieve. This means that curriculum planners will have to think very clearly about exactly what it is they want to do in order to satisfy external accrediting bodies who may wish to examine the developed curriculum in order to ensure that it satisfy their purposes. Being overt in this activity may be necessary to ensure that the process stands up to external perustration.

THE DYNAMIC/INTERACTION MODEL OF CURRICULUM SKILBECK

Another of the main proponents of this model, Skilbeck¹⁶, in 1984 suggested various changes which expanded the model's scope. Skilbeck set out a model which is considerably more complex than that of Walker but is in essence similar in nature.

¹² R S Peters, *Ethics and Education* (George Allen and Unwin, London, 1966) 45.

¹³ D Walker, "A naturalistic model for curriculum development" (1971) 80 *School Review* 51.

¹⁴ Print, supra n 10, 113.

¹⁵ Print, supra n 10, 78.

¹⁶ M Skilbeck, *School-Based Curriculum Development* (London, Harper and Row, 1984).

It was Skilbeck's argument that one of the main predicaments in the development of curriculum theory has been associated with the use of the word 'objectives'. The use of 'objectives', or sometimes 'goals' as used by Skilbeck, is a key precept in the rational, objective and cyclical traditional models of curriculum. Skilbeck resolutely states his view of objectives here:

The very word objectives invite controversy, in curriculum planning development and evaluation.¹⁷

However, having stated this, he does not shy away from the controversy as objectives figure distinctly in his model.

The five stages of his model are:

- Analyse the situation
- Define objectives
- Design the teaching-learning programme
- Interpret and implement the programme
- Assess and evaluate¹⁸

Initially the five stages in this model appear to be very similar to the cyclical model proposed by Nicholls and Nicholls.¹⁹ However the important difference between the two models is that whilst the cyclical model may contain the same series of processes, it is inherent that the cyclical model is by its nature perpetual. That is, it is possible in the cyclical model to commence at any of the five steps outlined within the model unlike the dynamic model which has prespecified starting and ending points. The cyclical model is designed to be a continuing event, the dynamic/interaction model is designed to have a specific starting and end point.

The situational analysis proposed by Skilbeck in stage one of his model, occurs both internally and externally to the institution offering the law unit. It may be the most involved of all of the stages described in the model and may take a considerable time to complete. It involves a very broad examination of the entire situation. For law units this would mean an examination of the cultural and social requirements of external accrediting bodies as well as the ideology of the tertiary institution offering the unit of study.²⁰

Developing objectives, as described in stage two of Skilbeck's model, is undertaken by all of those involved in the educational process. In the legal education environment this would include the individual classroom teacher, unit coordinators, supervisors of units, deputy deans and deans of law faculties. Although Skilbeck maintains that those closest towards the classroom interaction with students should have the greatest influence in this task. Objectives are thought of in a very broad sense. So for example in teaching a tort law unit they would involve an appreciation of the development of the tort of negligence, rather than a requirement to memorise section 12 of a particular statute dealing with negligence.

¹⁷ Skilbeck, *supra* n 16, 210.

¹⁸ Skilbeck, *supra* n 16, 231.

¹⁹ A Nicholls & S H Nicholls, *Developing a Curriculum: A Practical Guide* (New York, George Allen and Unwin, 1976).

²⁰ Skilbeck, *supra* n 16, 81.

In the third stage of Walker's model a curriculum designer is required to select and organise content. This, sequentially follows on from step two in the process. That is, after selecting the objectives, the curriculum designer will need to more specifically select and organise the content. For example, in teaching a criminal law unit, this may involve selecting relevant cases and Acts of Parliament to use as examples of current legal processes that students would be expected to have knowledge of.

Stage four involves selection and organisation of the methods. Here methods involve consideration of activities which will take place in order to achieve the dissemination of the content specified in the third phase of the process. So for example in teaching a contract law unit, this may involve the designer considering how best to deliver specific elements of content. This could involve consideration of exclusions clauses. Which could be demonstrated via a student centred method or a teacher centred method. The teacher could present examples of exclusion clauses and discuss their features and why they may or may not have been considered to be effective in the context of the contract in which they were contained. Or the teacher may ask students to draw upon their own understanding and experiences with exclusion clauses and to draft an exclusion clause in isolation.

The fifth and final stage of Skilbeck's model involves an assessment and evaluation of what has occurred. *Videlicet*, an assessment of the curriculum design process is undertaken via an examination of the understanding of the students as to whether the objectives of the unit have been successful. This limited way of viewing the final stage of Skilbeck's model has led to criticism. Criticism that it should not just be via an examination of students 'results' that evaluation is undertaken. As Scriven comments:

We do not see evaluation broadly enough. Both description and judgement are essential ... in fact, they are two basic acts of evaluation. Any individual evaluation may attempt to refrain from judging or from collecting the judgements of others. Any individual evaluation may seek only to bring to light the worth of the program. But their evaluations are necessarily incomplete.²¹

IMPLICATIONS

As Taba states:

The chief activity of education is to change individuals in some way: to add to the knowledge they possess, to enable them to perform skills which otherwise they would not perform, to develop certain understanding, insights and appreciations.²²

Keeping this in mind, for the teaching of law units the dynamic/interaction model may have some potentially compelling and advantageous elements. If we are to take one of the central decretums of the model, that is, the view that there is no need to be obsessive around objectives, this model demonstrates the possibility a much more flexible approach to curriculum development as compared with other existing models of curriculum such as the rational, objective and cyclical models. By avoiding the obsession with focusing upon objectives this model also allows curriculum developers to be far more creative. The inherent danger in allowing for this possibility is that prescribed content may not be properly

²¹ M Scriven, *The Methodology of Evaluation*; A.E.R.A. Monograph Series on Evaluation (Chicago, Rand McNally, 1967) 39.

²² H Taba, *Curriculum Development: Theory and Practice* (New York, Harcourt Brace and World, 1962). 194.

delivered. The use of this type of model may, therefore, be suited to units of law which have much boarder aims and objectives, units perhaps of a jurisprudential nature, rather than units such as criminal law or contract law which would more likely have very clear items which need to be communicated to students.

However, in law units with large enrolments, often interdisciplinary units with enrolments in the hundreds or thousands, this could be problematic. As multiple staff with varying levels of experience and interest are teaching the same subject matter, there is scope for interpretation in this model that could lead to an inconsistent teaching of the material. This becomes problematic as students perceive they are being taught differently, and are therefore not receiving the same levels of preparation for assessment tasks and examinations. In an increasingly competitive academic environment, this leaves staff open to appeals against assessment marks and final unit grades, and the highly interpretive nature of the curriculum leaves little basis of evidence for responding to such appeals. While this in itself may not be they key reason for avoiding this model, such considerations should be taken.

One of the key reasons that the dynamic/interaction model of curriculum may be well suited to legal units is because of the notion of constant change associated with this area of study. As Preston and Symes note, one of the significant problems that curriculum development faces in dynamic areas of study, such as law, is that much of the knowledge developed can quickly become outdated.²³ As the dynamic/interaction model allows for broad statements of situational development, rather than being fixed on specific and transient objectives, it allows for these rapid and significant changes to be taken into account.²⁴

Generally, there is an expectation by faculties that units will have clearly stated outcomes or objectives, and by students that they will have a clear understanding of the scope of the learning in each course and the expectations around assessment. These expectations also significantly impact on the way curriculum is developed in law. When taking into account the dynamic nature of most areas of law, and the expectations of a professional body that must also be included to ensure students are accepted into the law fraternity, selecting a model of curriculum for law units is extremely challenging. This fine balance of structure, flexibility and external expectations will continue as a challenge.

CONCLUSIONS

At their core, educators seek to ensure the success of students. Having knowledge and understanding of and choosing a particular model or method of curriculum development in any area of education is, therefore, important.²⁵ In law, it becomes especially important given several specific factors. These factors include the experiences of the staff that are likely to be teaching law units, the reluctance to deal with changing established practice and the need to be accountable to professional bodies. An understanding of the characteristics of the dynamic/interaction model of curriculum can be very useful for the legal educator. Although as Brady indicates, there is no one model of curriculum that will necessary be perfect in every situation, by utilising established curriculum models for the designing of law units, the educator can ensure professionalism, rigour, validity, consistency and authenticity in the activities that they undertake.²⁶

²³ Preston & Symes, *supra* n 6, 78.

²⁴ Smith & Lovat, *supra* n 2, 110.

²⁵ Print, *supra* n 10, 1.

²⁶ L Brady, *Curriculum Development (3rd Edition)* (Sydney, Prentice Hall, 1990) 57; D Newlyn, "Are professors professionals?: A fresh look at this question" (2015) 3 *Universal Journal of Educational Research* 2.

This article suggests that it is important that any educator envisaging the creation of or the modification of a law unit must be cognisant of the different theories of curriculum and how the choice of these theories has significant consequences on their activities. This article has discussed in detail the key features of the dynamic/interaction model of curriculum and suggested the advantages and disadvantages of this model in the context of legal education

REFERENCES

1. R Gagne, *The Conditions of Learning* (Holt, Rinehart and Winston, New York, 1970).
2. D L Smith & T J Lovat, *Curriculum: Action on Reflection* (3rd Edition) (Sydney, Social Science Press, 1993) 7.
3. M Johnson, "Definitions and models in curriculum theory" (1967) 17 *Educational Theory* 2. 130.
4. I F Goodson, *Studying curriculum* (New York, Teachers College Press, 1994) 111.
5. T J Lovat & D L Smith, *Curriculum: Action on Reflection Revisited* (3rd Edition) (Wentworth Falls, Social Science Press, 1995) 12.
6. Noel Preston and Colin Symes (eds), 'The curriculum and the course of education' in Noel Preston and Colin Symes, *School and classrooms: A cultural studies analysis of education*, (Longman Cheshire, 1992) 77.
7. L Stenhouse, *An Introduction to Curriculum Research and Development* (London, Heinemann, 1978) 4.
8. *Supra* n 7, 1.
9. J B MacDonald, "Curriculum Theory" (1971) 64 *The Journal of Educational Research* 5. 196.
10. M Print, *Curriculum Development and Design* (2nd Edition) (Sydney, Allen and Unwin, 1993) 74
11. A Halpin, "Changes and Organizational Climate" (1967) 5 *Journal of Educational Administration* 17. 11.
12. R S Peters, *Ethics and Education* (George Allen and Unwin, London, 1966) 45.
13. D Walker, "A naturalistic model for curriculum development" (1971) 80 *School Review* 51.
14. Print, *supra* n 10, 113.
15. Print, *supra* n 10, 78.
16. M Skilbeck, *School-Based Curriculum Development* (London, Harper and Row, 1984).
17. Skilbeck, *supra* n 16, 210.
18. Skilbeck, *supra* n 16, 231.
19. A Nicholls & S H Nicholls, *Developing a Curriculum: A Practical Guide* (New York, George Allen and Unwin, 1976).
20. Skilbeck, *supra* n 16, 81.
21. M Scriven, *The Methodology of Evaluation*; A.E.R.A. Monograph Series on Evaluation (Chicago, Rand McNally, 1967) 39.
22. H Taba, *Curriculum Development: Theory and Practice* (New York, Harcourt Brace and World, 1962). 194.

23. Preston & Symes, supra n 6, 78.
24. Smith & Lovat, supra n 2, 110.
25. Print, supra n 10, 1.
26. L Brady, Curriculum Development (3rd Edition) (Sydney, Prentice Hall, 1990) 57; D Newlyn, "Are professors professionals?: A fresh look at this question" (2015) 3 Universal Journal of Educational Research 2.