Professor Abdul Paliwala - An Appreciation

At the 2012 BILETA conference it became known that Professor Abdul Paliwala was retiring from his post at Warwick University. No one announced it - it went round the conference. At the dinner a few words were said by Sefton and myself, but several of us thought that the retirement of a figure such as Abdul should be marked by something more permanent and thus the idea for a special edition of BILETA legal education papers that was also dedicated to Abdul was conceived. It's difficult not to think of images of technology and learning when one mentions the name Abdul Paliwala. For those of us fortunate to be living in these times and working in the field of digital learning he has been inspirational. In this brief appreciation of his life and work we would like to draw attention to what could be said to be the main themes of his oeuvre - a body of work that is detailed in his Curriculum Vitae and in a Bibliography following this appreciation.

EARLY WORK

I (Maharg) first came across Abdul's work when I was a mature student at Glasgow University Law School, 1990-92. Coming from an adult education background I was surprised by how little support there was for student writing in the Law School: very little discussion of disciplinary literacies, what constituted good writing practices for students, almost no examplars of good and poor writing for students to consider. Along with Professor Joe Thomson, I assembled a basic essay and legal problem-solving programme using an early hypertext application called Guide Hypertext. I looked around the University Library for examples of work in the field, hoping that I might be first in the field of computers and legal literacy; and my hubris was quite properly chastened when I discovered, amongst others, the name of Abdul Paliwala, who had published on the development of technology in legal education, the construction of a methodology for legal CBL (with Richard Jones and Philip Leith), and an early piece on computers, videotape and justice. I was curious to read his work and that of others. I had come from an Arts and Education background, but writing about digital education, e-learning, information and communications technology was new to me, and I was sufficiently aware of the potential irony of writing about good writing practices when I was unsure how exactly that might be done in what was still a very new research context.

When I received his work through interlibrary loan, there were two things that were apparent. First, the writing was curiously spacious. Previous research I had read was from the cognitive sciences, particularly on human-computer interface, and rhetorical and compositional research. It was distant, and tended to keep the reader at arm's length - indeed the reader was scarcely necessary to the piece, it seemed. The experience of reading
Abdul was quite different. He was clearly no cognitive scientist, and in place of an abstracted density of expression there was what can best be described as a form of invitation to the reader to engage in the matter under discussion. Secondly was the assurance with which Abdul was able to construct an argument about learning in the new media, at a certain pace and follow it through a range of quotation and reference beyond educational authors to jurisprudential authors. It appeared that he wasn't at all uncertain about how such matters should be addressed.

As will be clear from Abdul's CV, what helped him was that before he came to legal education and technology he was already an interdisciplinary scholar. His early work was based on legal systems in developing countries, particularly land reform issues, family law and human rights, gave him a breadth of writing experience, which he applied to legal education and technology. Moreover the experience of working with and in developing nations gave him a unique perspective on the development of pedagogy and IT (present also in the work of Castells and de Souza Santos, two seminal scholars who have influenced his work).

**TLTP/IOLIS**

In the late 1980s Abdul, already at Warwick University Law School, was a founding member of BILETA, and a Director of the CTI-Law Technology Centre, and it was there that he was involved in the joint bid with Strathclyde University to the Teaching and Learning Technology Programme funds, to develop substantial CBL in law for both England and Wales, and Scotland - what became known as the Law Courseware Consortium (LCC). Beginning in 1992/93, the Teaching and Learning Technology Programme in essence was a government-sponsored attempt, one of the largest of its kind with total funding of around £75M given to 76 projects, to persuade university disciplines to create what were then called 'computer-based learning' (CBL) resources. The take-up was patchy as one might have expected, and the quality variable across disciplines; nevertheless the initiative was important to the development of e-learning in legal education.

There were perhaps three important aspects of the initiative generally. The first was the raised awareness of computers as having a place in the teaching and learning of most HE disciplines (Coopers et al 1996). The second was the collaborative nature of the activity across institutions, which was a mandatory element of bids. This was possibly the first time that large-scale funding had required institutions to work together to produce pedagogic resources. Third, and allied to the collaborative nature of the work, the shared production of resources within a relatively new media led academics to discuss teaching and learning theory that could be brought to bear or assist in the planning and creation of the resources. It became clear that there needed to be a whole infrastructure to support this - a learning network, as it were, which would not only assist academics in structuring and writing but also in assessing the value of the resources as learning resources.

Aspects of the initiative were critiqued by educationalists who saw in it the development of a discourse of increased commodification of HE, of the sort
present in the *Dearing Report* (1997) and other government reports. Wickens, for example, pointed out the mismatch between the aims of the government-sponsored programme (productivity and efficiency, in an era of significant massification of HE - 2000, 15) and the aims of many academics to improve the quality of teaching and learning. He argued that in the TLTP, 'the administrative rationales of the funding bodies with their market ideologies [won] out over the stated purposes and goals of the producers of texts' and that while textual authors in TLTP may well have produced significant improvements to learning resources, such ameliorative accounts, in the words of Fairclough (1995 153) 'underestimate "the incorporative capacity of institutional logics and procedures"' (Wickens 2000, 302).

The Scottish sector of the Law TLTP project developed and produced its own software using methods different from England and Wales and adapted to its jurisdiction. In England and Wales, the Law Courseware Consortium team comprising Abdul as director, a technical director, assistant and admin staff developed IOLIS- an interactive CD-ROM, remarkably well-resourced for its time. [1] Authors from a range of institutions wrote the resources. With eventually over 3,000 printable cases and statutes and over 80 interactive 'workbooks' it serviced most of the undergraduate law curriculum in England & Wales. The application was extensively developed and analysed by a number of core academics - Grantham 1999, Jones & Scully 1998, Widdison & Schulte 1998, for instance. Following Laurillard (1993), Abdul recognised that the dialogic depth of the small-group seminar was not possible in CBL, even with branching logic trees. The availability and the adjacency of the resources, however, coupled with the ability to work through question sets and answers at one's own pace was a key element in the new learning environment. As Wickens pointed out, prescription within the IOLIS resources (in both the sense of the content that is embedded as feedback, and in the sense of pre-scripting of feedback), can be inimical to critical thinking. But as Abdul and others pointed out, the materials were never meant to replace seminars where critical thinking can be modelled and can take place, but to enhance knowledge, awareness and to some degree skills; and it is amply clear from the feedback obtained from students and staff that this did indeed take place.

Further, there no denying that under Abdul's directorship the activities of the LCC significantly changed views on the purposes and possibilities of e-learning in Law. Work on this had hitherto been confined to small-scale projects and speculation; and progress was slow in persuading others of the potential in e-learning. The scale, professionalism and above all the development of a LCC infrastructure that could sustain the ongoing development of e-resources were new to the field, and powerfully persuasive. Perhaps more interestingly, the LCC began to introduce sophistication into the debates around evaluation - not merely of student work and effort, but what constitutes staff effort and the relative costs in constructing e-learning resources. Oliver, for instance, points out a shift from the 'evaluator [of courseware] as an arbiter acting for the commissioning authority and towards evaluation as a collaborative process of building mutual understanding' (Oliver 2000); and one can see this occurring in the debates around what constitutes good evaluation practice
of IOLIS. Again, and with reference to notional student effort, the process of modularisation and semesterisation often treated time on task as if it were uniform, and as if one hour of study was very much like the next. But for staff involved in the process of constructing e-learning resources in IOLIS this notion was always going to be problematic. Attention is ever-variable, always dependent on local context; and the best IOLIS workbooks took this into account.

**LATER THEMES**

No technology ever exists in and of itself. It always exists as part of a continuum of prior art and future implementation. The same is true of the IOLIS project, which underwent significant development in the twelve years or so of its existence. There is, though, a wider continuum to technology, namely that of social context. Legal educational technology, Abdul realised, depended on being closely integrated with legal educational theory and practice; and that there was need of a body that could offer wider pedagogical support. The National Centre for Legal Education became that body, of which Roger Burridge became Director and Tracey Varnava Administrator. The Law Technology Centre and the National Centre for Legal Education was later folded into the HEA UK Centre for Legal Education, to make for a broader organisation with Abdul and Roger as joint directors. Abdul saw a key role of the UKCLE in relation to e-learning development as being support for simulation and so he invited Sefton Bloxham to be seconded to promote this direction. Denied TLTP Phase 3 funding, meanwhile, the IOLIS project successfully sought and maintained funding from City Solicitors, and from the community of law schools, and bodies such as BLETA. By its demise in 2008 the project had shown that e-learning had a significant role to play in the teaching and learning of Law, and Abdul's role in that was seminal.

Already, though, he was moving on to other themes and projects. His work on simulation, done at a distance and in collaboration with a French institution, was co-written with Maharg in a book published in part by the UKCLE (Maharg & Paliwala 2002). Both were interested in the possibilities of simulation to create new pedagogical alignments for postgraduate education - Abdul, for a Masters programme at Warwick and Bordeaux, and Maharg and others, for a vocational programme in Scotland - but both were concerned also to point out the significances of the approaches for undergraduate education. The simulation work of Bloxham at Lancaster pointed the way in this regard (Bloxham & Armitage 2003).

Abdul moved into significantly global fields of theory. 'Leila's working day', an article that mapped out aspects of globalized learning, drawing on Castells and Benkler among others, led to other themes. He drew upon work he was carrying out in Taiwan and elsewhere to produce a comparison of western and eastern approaches to IT in legal education, which he clustered around the figures of Socrates and Confucius. A conference paper eventually became a chapter in a book, edited by Abdul and published by the University of Zaragoza Press in 2010. It reveals a breadth of thinking and cultural reference that is lacking in much current writing on IT and legal education, and situates its long historical perspectives within the wider contexts of educational theory and praxis.
A definitive history of technology and legal education in England and Wales has yet to be written, but the work of Abdul is the closest we have to that goal. In a series of key articles (and see the Bibliography following this appreciation for many others) he outlined many of the key influences and drivers for change (Paliwala 2002; 2004; 2007). He points to the effect of the European Union’s e-Government and e-Communication initiatives on legal education, and the need therefore for interactive group e-learning that transcends the traditional institutional and national boundaries of legal education (Paliwala 2005). He analyzed the impact of globalization on legal education and the associated processes of IT convergence (of learning technologies and theories) and divergence (Paliwala 2004). He drew attention to the growing commodification of legal education and the role that technological learning spaces played in bringing this about, together with the decline of domestic institutions, and differentiation of institutions and regions (Paliwala 2002). He also drew attention to the shifts from standalone to networked pedagogies (Paliwala 2007). A theme throughout his work with IOLIS and with other applications is the call for a renewed attention to educational theory at all levels of technology. His body of work constitutes probably the most valuable single contribution to our understanding and our use of IT in legal education in these isles. He will be missed. Those of us in legal education broadly, and from BILETA in particular, wish him well in his retirement.

Sefton Bloxham
Paul Maharg

REFERENCES


[1] Later a version of IOLIS called IOLISters was developed by David Grantham, and assisted and supported by the team at the UK Centre for Legal Education.