

Visual Approaches to Property Law Pedagogy

Dr. Francis King

Westminster Law School,

University of Westminster, London W1W 7BY

Email: f.king@westminster.ac.uk

Abstract:

Purpose - To consider a more visual approach to property law teaching practices. This will be achieved by exploring the existence of ‘visual learners’ as a student body, evaluating the use of more visual teaching techniques in academic practice, recognising the historic dominance of text in legal education, and examining the potential for heightening visual teaching practices in the teaching of property law.

Design/methodology/approach – The paper reviews and analyses some of the available literature on visual pedagogy, and visual approaches to legal education, but also introduces an amount of academic practitioner analysis.

Findings – This paper evidences that, rather than focusing on the categorisation of ‘visual learner’, the modern academic practitioner should employ the customary use of more visual stimuli; consequently becoming a more ‘visual teacher’. This paper demonstrates that these practices, if performed effectively, can impact upon the information literacy of the whole student body: It also proffers a number of suggestions as to how this could be achieved within property law teaching practices.

Practical implications – The paper will provide support for early-career academic practitioners, who are entering a teaching profession in a period of accelerated and continual change, by presenting an overview of pedagogic practices in the area. It will also provide a stimulus for those currently teaching on property law modules and support their transition to a more visual form of teaching practice.

Originality/value – This paper provides a comprehensive overview of visual pedagogy in legal education, and specifically within that of property law, which has not been conducted elsewhere.

Keywords: Pedagogy, legal education, visual teaching practices, academic property law.

1. Introduction

This article seeks to analyse the use of visual aids in the teaching of property law modules, in order to evaluate the resultant impact on student engagement, and the potential for embedding deeper learning habits (Biggs 2003). This visually-focused project is particularly pertinent in developing practice for modules that are recognised as being situated within a predominantly text-based discipline (Moran 2012). This paper therefore seeks to consider the pedagogic justifications for the incorporation of more visual aids into a discipline that does not tend to utilise this approach in its teaching and learning practices.

The reasons for choosing this area of research were mainly instinctive and personal, rather than academic, or as a result of findings generated from an empirically grounded feedback mechanism. Students seem to respond well to lecturers and texts that utilise more visual aspects in their instruction, whether this is the effective use of PowerPoint, colour, maps, diagrams, pictures etc. The subject matter appears to be translated in a more cogent manner and shows consideration, effort, and passion: This is severable from issues of legitimacy in the recognition of ‘visual learners’ as a student body, and their ability to retain this type of information more efficiently.

Despite these observations, law appears to be a discipline that shies away from such practices (Spiesel 2006) and academic respect and accolades are given to the renowned legal orators, advocates and rhetoricians, rather than that great lecturer who really clearly explained the law on easements. As an academic practitioner, rather than a legal practitioner or an advocate, it seems important to strive for the latter and so this paper considers a variety of ways that could assist in the translation of the dense subject matter of property law: It is proposed that this translation is enhanced with the use of visual aids.

The research for this paper was therefore motivated by a personal undertaking to consider the most effective use of visual aids in legal education in order to enhance student learning and, more specifically, their ability to engage with the notoriously complex area of Land Law. In identifying the methods or methods that would help to address this objective, some key areas were identified and a brief literature review conducted (Dick 2002). The key areas that were identified were; the distinction

between visual learners and visual teachers, approaches to visual teaching and digital literacy in higher education, the role of text-based and multi-media pedagogy in legal education, and resources available for the ‘visual teaching’ of property law. It was felt that these areas would produce an overview of the landscape of pedagogic visual practice more generally, as well as the specific obstacles to be faced within legal education, before considering a range of opportunities and resources that would enable a more innovative visual approach to property law teaching. The findings from the literature review into the aforementioned areas, in combination with practitioner analysis, articulate the main findings of this paper, in considering the effective use of visual aids for teaching property law modules.

2. Focusing the Lens: ‘Visual Learners’ or ‘Visual Teachers’?

The phrase ‘visual learner’ has become a popular label or descriptor for students who identify as preferring to be taught with more visual imagery and stimuli but, for the purposes of this paper, it is necessary to explore this identifier, and also to consider whether the ‘visual learner’ may need a more ‘visual teacher’.

2.1 The Classification of ‘Visual Learners’ as a Student Body

The way in which students process information should have a significant impact on the dissemination choices of the practitioner, and so the existence of the ‘visual learner’ is an important concept to explore and analyse. The academic recognition of visual learners, similar to any form of social-science-based categorisation, can prove to be quite complex, as the visual learner is compared and contrasted with a changeable variety of learning styles. This categorisation and identification can be as basic as the distinction between visual and verbal learners (Newcastle University 1998) or the more complex development of Kolb’s learning styles into frameworks such as the VARK system (Fleming 2012).

Empirical research to evaluate the simplistic distinction between visual and verbal learners identified that more students preferred a visual approach (Newcastle University 1998) but, even given more varied comparative options, visual learning still appears to be dominant. The VARK system recognises students’ use of visual strategies, audio strategies, reading/writing approaches and kinaesthetic approaches in their learning (Fleming 2012). Statistics indicate that students who were considered

to favour audio or kinaesthetic approaches only account for 35% of learners (BBC 2003), which shows that visual learners play an important part when the teaching practitioner is considering a range of learning and teaching strategies.

These statistics indicate a 65% majority for students preferring a visual strategy but this definition does not distinguish between visual and textual learning, as the engagement with text is most obviously visual in nature and, consequently, text is also a visual medium. Contemporary students are entering higher education after years of exposure to visual media, such as interactive whiteboards and PowerPoint, which have textual elements to them (Nightingale 2011). It is important, therefore, to consider the place of visuals in isolation from text, in order to consider the need or ability to enhance all students' visual literacy (University of Brighton 2007):

Although we should attempt to preserve textual notions of literacy, it would be a breach of our duties as teachers for us to ignore the rhetorical power of visual displays. Visual forms of media, by themselves, and in combination with text and sound, come at our students from all directions, including television and the World Wide Web. The critical media literacy we need to teach must include evaluation of these media, lest our students fail to see, understand, and learn to harness the persuasive power of visual media. (Day 1997)

Gardner (2000) propounds that there are nine key intelligences that teachers should recognise when teaching any learner; verbal-linguistic, mathematical-logical, musical, visual spatial, bodily-kinaesthetic, interpersonal, intrapersonal, naturalist and existentialist. He identifies good teaching as recognising these 'intelligences' or preferred styles in our students and teaching in a way that creates responses to those stimuli. It is quite rightly observed however, that a truly gifted teacher would employ all of these skills in a measured way in order to enhance the learning experience across the student body (Podboy 2008). Attitudes towards 'visual learners' therefore could extend beyond a recognition of the preferred learning styles of certain students and show an awareness of the need to engage with visual elements as a strategy for decoding and critiquing academic content for all students. This thinking is not purely modern in its phraseology and can be related to the latin maxim '*Verba docent, exempla trahunt* – words instruct, illustrations lead' (Siems 2008, p.153); thus indicating a more constructionist perspective, which allows the students to create or

construct independent meaning as a result of the visual presentation, rather than being given textual definitions and boundaries by the teacher.

2.2 The Emergence of the 'Visual Teacher'

The constructionist teaching style has been developed in the work of Edward de Bono (1999), which allows for different styles of thought, represented by six different-coloured 'thinking hats'. The colours relate to critical thought processes such as knowledge, emotional evaluation, analysis, positivity, creativity and understanding, with the visual prompt acting as a way of creating a tangible marker to the different processes (Gangwer 2009). Theories like this transfer the relationship from a focus on the student's preferred styles, to thinking of strategies for the incorporation of visual aids into teaching practices in order to engage all learners. Petty (2009) lists 5 key advantages to teachers, in incorporating visual aspects into their teaching environments:

- To gain attention - as students find it difficult to ignore new visual stimuli
- To add variety – students and lecturers benefit from this!
- As an aid to conceptualisation – helps to break down the concept or idea
- To assist memory – visual information being easier to retain than verbal (this can be evidenced in Brown and Atkins 1988)
- It shows care – students see and respect that the lecturer has prepared

Damrosch (2009) adds to this list by recognising the role of humour in the classroom, acknowledging that 'visual media, with their rich endowment of stimuli, have a head start in evoking humor'. The lecturer therefore proffers some light relief in order to engage the students; while understanding that lecturers are not there to provide entertainment; 'without a show there is no audience, and with no audience, there is no learning' (Lambert 2009). Grantham (2005) also acknowledges that visual aids produce stimuli which increase the levels of brain activity in the learning environment, and Haapio (2010, p.391) recognises that visual communication methods improve connections with 'people from different backgrounds in terms of culture, native language or profession'.

Universities are increasingly responsive to these findings, developing strategies with a focus on ‘digital literacy’ in order to employ the effective use of visual aids, both from the perspective of the time invested by the academic, and the message conveyed to, or understood by, the student (Lambert 2009). However, when considering approaches to visual media usage within the classroom, the key advice is to use them wisely, rather than for effect: ‘the ultimate criterion of visual learning isn’t the visual, but the learning. If these media expand awareness and knowledge, then they enhance education; if they only draw attention to themselves, they become a distraction or even an obstacle’ (Lambert 2009).

Consequently, the visual teacher becomes one who adopts a wide spectrum of visual literacy (which includes textual elements), utilises this to maximise learning, understands the students’ ability to construct their own meanings, assists with their interpretations and, as a result, avoids a ‘passive learning experience’ (Gangwer 2009, p.6). The visual teacher does not focus on the needs of a section of the student body as ‘visual learners’ but is responsible for educating a new generation of students who are technologically literate, accustomed to visual stimuli, use varied communication methods, and are becoming more aware as potential ‘consumers’ that they should expect a high standard of service from their educators (McLaurin and Presser 2004).

When considering the implications of this for legal education, it is self-evident that millennial students commencing legal studies are more accustomed to a variety of media, and diversity in the dissemination of information, from an early age. In higher education, and especially law, students are encouraged to construct meanings, analyse material, and produce arguments or theses (Krathwohl 2002) – visual stimuli can assist in this construction, analysis and creativity. Therefore, the use of visual aids in teaching law extends beyond the recognition of groups of ‘visual learners’ in the student body, and instead creates an exciting opportunity for teaching practitioners to utilise appropriate multi-media approaches in order to become more ‘visual teachers’ of law.

3. Vocabulary versus Visual: Approaches to Legal Education

Traditional Law Schools have excelled in instructing students in the interpretation and textual analysis of case law and statute, in order to explore the vagaries and

inconsistencies of law and its jurisprudence, but modern academic practitioners are faced with a much broader scope of pedagogic content. Leighton (2010 p.85) attributes these developments in part to the rise of the Polytechnic Law School and their concomitant commitment to ‘vocational teaching, innovation and widening access’. Despite this materialisation of a more ‘blended’ approach to legal education however, the long-standing ‘dominance of text’ still appears to hold sway within Law School approaches to both undergraduate and postgraduate studies (Haapio 2010).

3.1 The dominance of Text in Law

Law (perhaps not unlike other disciplines or practices aspiring to rationality) has tended to identify its rationality (and hence its virtue) with texts as opposed to images, with reading words as opposed to “reading” pictures, to the point that it is often thought that reading words and thinking in words is the only kind of thinking there is – thus creating as real problem when digitisation speeds up the transformation of our worlds into increasingly image-dominated ones. (Feigenson, in Speisel 2006, p.316).

Traditionally, law has had great respect for text and its inherent ‘linear logic’, without having to adapt to the influx of visual aids such as graphs, diagrams, media content and photographs that have influenced other academic disciplines in the digital revolution (Speisel 2006). Moran (2012, p.431) acknowledges this disparity between law and other disciplines, stating that ‘the complex interface between law and visual culture continues to be a marginal aspect of legal study, research and scholarship’.

Goodrich (1999) states that the dominant position of textual law is historically contingent, as the battle between State and Church during the Reformation led to the removal of images as a form of reverence (or reference). This vilification of perceived ‘idolatry’ was further mirrored by an emphasis on the written word of the law, as a supreme form of the embodiment of ‘truth’ (Douzinas 2000). These attitudes were supported by pedagogic practices, as the teaching of trainee lawyers was conducted purely from authoritative judgments and legislation, with an absence of textbooks or visual aids (Robson 2012).

The standard doctrinal methodology that underpins the majority of legal modules taught in law schools in the UK bolsters these historical origins for textual

dominance. Doctrinal or ‘black-letter law’ methodology seeks to unpick the law as it exists and view its progress, inconsistencies, and anomalies from its presentations in the prominent case law and legislation (Chynoweth 2008). These textual exercises in inductive and deductive logic become familiar and comfortable to law students in their academic careers (as demonstrated in the Feigenson quote above). As a result, modern legal teaching, although providing students with more colourful textbooks, internet support sites, online legal databases, and PowerPoint presentations etc., still appears to be text-dominated. All of the above rely heavily on textual elements and current legal textbooks, by using very few visual stimuli in the presentation of their teaching material, support the traditional approaches in legal pedagogy.

Anecdotally, a search for ‘visual learner’ performed using an online legal database for legal academic journal articles produced only two results; evidence that indicates some reluctance for legal academia to engage with such pedagogic considerations. This paper therefore seeks to move beyond the historical reverence for text that is prevalent in legal academia, and to find a legitimate place for the ‘visual teacher’ in its modern incarnation: Academics are no longer educating a select gathering of postgraduate trainee practitioners in private law schools but are teaching cohorts of 100-300 students of the ‘MTV generation’ in our public institutions (McLaurin and Presser 2004, p.37).

3.2 Moving beyond the text in legal education

The multifarious gatekeepers of legal studies have responded in a variety of ways to scholarly and pedagogic projects that turn away from law’s written text and its operationalisation. In my experience from giving papers and talking to lawyers and judges, these range from bewilderment, disbelief and passive aggressive indifference to more open attacks and withering denunciations that dismiss work that touches on the visual aspect of law as esoteric, trivial, ‘not law’. (Moran 2012, p.431)

This quote identifies the need for a more tolerant approach to non-doctrinal legal pedagogy, and contemporary legal education research appears to be embracing the opportunity to try new approaches that would engage students at a deeper level than textual analysis could provide. Projects such as the AHRC-funded, ‘Beyond Text in Legal Education’ (Bankowski and Rogalska, 2009) recognise the ability for lecturers

to use imagery in practice in a way that leads students to think independently and allows for alternative interpretations, akin to practice in the ‘real world’ (Sherwin et al. 2007).

This work in legal education research is strengthened by the current academic focus on the visual aspect of legal processes, subjects and institutions. Researchers such as Perry-Kessaris (2014) are at the forefront in this area, conducting research with the sole objective of ‘exploring the potential of visual communication at every stage of the legal research process, from conceptualisation to dissemination’ (Kent, 2014). Her visual legal work has been used in a number of practical ways, such as her leaflet guide design for the British Museum’s ‘Legal Treasure Tour’. Similarly, Moran (2012), in her article on ‘*Visual Justice*’, highlights three key texts that establish connections between law and imagery; Resnik and Curtis’ ‘*Representing Justice*’, which investigates images depicting justice, judgment and adjudication; Mulcahy’s ‘*Legal Architecture*’, which is a study of the inception and design of court buildings; and Greenfield, Osborn and Robson’s ‘*Film and the Law*’, which analyses the relationship between law and the visual culture of film and cinemas. Moran’s thesis is that works such as these evidence the ‘long and durable history of visual culture as a part of legal culture’, and encourage the examination of the status quo of text-based approaches to legal research and scholarship (Moran 2012, p.444).

In his recent text, ‘*Legal Emblems and the Art of Law: Obiter Depicta as the Vision of Governance*’, Goodrich (2014) produces a critique into the history of legal images, and in doing so issues a rallying cry for an improvement in our approaches to research and education in legal visual literacy. This academic support lends credence to the pedagogic research of those aiming to increase the use of multi-media approaches within the lecture theatre and classroom. This is further compounded by the endeavours of the enthusiastic teachers who are most receptive to these ideas:

We tend to think we are good communicators, and many of us are. Yet could we grow from good to great? How well prepared are we – or our students – to communicate clearly, particularly when courts and opposing counsel are not the primary audience? ... Tremendous opportunities for improvement exist! If we want to be really great communicators, we could add clarity through visualisation. (Haapio 2010 p.391)

These advancements encourage a range of pedagogic approaches, which utilise a combination of media, in order to encourage student engagement and a ‘deeper’ learning experience. Academics such as Adrian consider the use of approaches such as ‘gaming’ to provide a controlled environment that allows for the replication of ‘real-life’ scenarios, without the ‘reality’; ‘Teaching law within a controlled environment allows for mistakes that if made in the real world would lead to legal liability and consequences’ (Adrian 2010, p.256). These ‘games’ can be as simplistic as in-class roleplays, or more complex online models with the use of avatars, but are all carefully designed with the learning objective in mind. The depth of the learning experience is then compounded by the teaching and learning activities that are external to ‘the game’:

The time before, between, or after game play is ripe with meta-game activities such as reflecting on strategy, discussing in groups what happened previously during game play, sharing stories and lessons learned. (Adrian 2010, p.261)

Other academic practitioners reflect on the role of visuals in areas of legal practice and draw upon this as a rationale for the introduction of visual material in the classroom. For example, Haldar (2008) takes a nuanced approach to visual material for law students, considering the role of ‘evidentiary imagery’, i.e. the use of pictures, maps, videos and objects as courtroom evidence. Grantham (2005) considers the visual aspects of legal actors and institutions, e.g. witnesses and solicitor’s offices, and encourages the simple inclusion of video clips within lessons to illustrate this. Grantham chooses quite popular main-stream movies as examples, in order to demonstrate legal actors at work, and to critique the ‘truths’ of the institutional behaviour portrayed within the imagery.

These visual pedagogic approaches introduce students to the visual representations of law in the ‘real world’ and also introduce the aspects of law as ‘narrative’, with legal actors, legal phraseology (scripting), and legal institutions (stage): Game play, props and video examples therefore have the ability to become powerful teaching tools for the exploration of these narratives. Richard Sherwin (2008, p.183) draws on the theme of lawyer as ‘storyteller’, in his text on visual literacy within academic disciplines,

and states that ‘the visual storytelling practices of contemporary popular culture are finding their way into courts and the legal culture’. Sherwin illustrates this by referring to the best advocates, who weave visual imagery into their arsenal of persuasive techniques to convince jurors of the validity of their arguments: It is indisputably evident that academic practitioners could and should employ the same techniques to ensure the effective engagement and cogent teaching of their students.

4. Property Law Pedagogy

While an analysis of the increasingly diffuse approaches to imagery in legal research and education is useful, this paper seeks to consider the particular application of these techniques and practices in the teaching of property law. Therefore, an analysis of the visual aspects of other academic property practitioners will form the next section of this paper, before progressing to an evaluation of the methods, resources and tools which prove to be particularly well suited to the visual exploration of the subject matter of property law.

4.1 Beyond the text in property law pedagogy

As evidenced in the previous section, the connection between visual elements within academic legal research, and the co-relation with increasingly visual approaches to legal education, are manifestly tangible: This relationship is also mirrored in the practices of property law academics who draw upon the spatial aspects of their property law research in order to influence their pedagogic perspectives. These academic practitioners use interdisciplinary approaches they have garnered from more visual areas, such as geography (Bennett and Layard 2015), architecture (Bordeleau and Bélanger 2014), and environmental studies (Philippopoulos-Mihalopoulos 2007), to influence both their academic research and their legal education practices.

Layard (2015) combines her academic work on ‘Law, Property and Place’, with a visually rich approach to property law pedagogy, incorporating a large number of pictures, cartoons, diagrams, graphs and videos into her ‘Rich Law Poor Law’ lecture slides. Consequently students are exposed to information via a number of media, which decreases the likelihood of ‘lecture fatigue’ and, as the visuals are explored and analysed, it heightens their ability to interpret, translate, and attach meaning to, a range of ‘data’. Similarly, Philippopoulos-Mihalopoulos draws upon his research

areas, personal interests, and interdisciplinary approaches to provide students with a variety of stimuli in their studies of land law and environmental law. These learning and teaching practices include; 'student presentations, presentations by subject specialists, group discussions, games, movies, art, poetry, and excursions to galleries' (OUP 2011). These pedagogic devices resulted in cohort success on the modules but also led to his recognition as OUP 'Law Teacher of the Year' in 2011.

In exploring alternative aspects in the teaching of land law, Davys and Smith (2008) presented a paper on their use of drama in the classroom with the aims of heightening the lecture experience and encouraging student engagement. These approaches were prompted by reductions in lecture attendance for land law and the lecturers sought to increase participation, as well as providing a 'deeper learning environment' (Biggs 2003). In their paper Davys and Smith explore a range of in-class techniques, such as 'Timelord Land Law', 'The 12 Days of Land Law', 'Reality Land Law' and 'Blind Date Land Law', but they also evaluate the positive and negative student feedback for the module. While some students felt invigorated by the novel experience, and refreshed by the enthusiasm of the teaching staff, others felt that the drama was a 'distraction' and made it hard 'to take the content seriously'. This evidences the need to ensure that the teaching practices are aligned very clearly with key learning objectives, and that any movement from perceived 'comfort levels' should be conducted in partnership with the students in order to achieve an effective learning partnership.

Orji (2015), in his article on problem-based learning approaches to property law, considers the suitability of key concepts and tests within property law to a more blended teaching approach. For example, the visual aspects of 'fixtures and fittings/chattels' are ripe for the introduction of props, pictures and drawings. Orji introduces students to the 'practical' or 'real-life' aspects of property law practice through problem-based learning, drawing upon extra-textual techniques such as role-play with student law firm discussions, 'client' meetings etc. The students are provided with research tasks and supporting materials (these could presumably be more 'visual' in content), and then guided in their critical appraisal, and application to the problem at hand. Orji observes that these practices align 'with pedagogies from constructivist studies with emphasis on a student-centred approach' (Orji 2015,

p.376), but they also support Adrian's (2010) recognition of the importance of game play within a controlled environment. Once again, the scaffolding and student support mechanisms within this model are crucial and, while their construction and facilitation can prove to be time consuming for the academic, the students are developing their ability to interpret, analyse and apply a variety of data.

These examples demonstrate the ability, not just to use mixed media to 'liven the classroom experience' but also for the practitioner to encourage different types of information literacy. Concerns have been raised about the levels of 'visual literacy', 'digital literacy' and/or 'information literacy' of the 'Google generation' of higher education students (Choolhun 2012). These are legitimate observations; that the decline of literacy levels, and an over-reliance on internet sources, could result in the inability for students to effectively and/or efficiently decode, analyse and think critically about data. Academic practitioners are therefore tasked, not solely with increasing media sources, but with the responsibility to ensure that students are supported in the translation, interpretation and critiquing of these media. It is also important however, to consider the balance of these practices within the overall student experience, and to ensure that any 'novel' or 'unusual' teaching techniques translate easily to the students and enhance their learning opportunities.

4.2 Considering the Available Resources

Most legal literature is text only, black and white, with no pictures, graphs or examples. We may use charts in our teaching, but when it comes to legal research, memoranda, opinions, textbooks or contracts, most of us tend not to think of visual communication. Why? (Haapio 2010 p.391)

If academic practitioners are to introduce more visual media to their lectures, seminars and workshops, it is necessary to consider the range of available resources that would be best suited to the pedagogical considerations set out above. This includes;

- a) the choice of textbook,
- b) the use of in-class presentation software, and

- c) extra-textual exercises or tasks that would allow students to demonstrate enhanced information literacy skills.

a) Textbook choice

There are an abundance of property law texts available for a variety of levels, from HNC/HND and foundation levels, for the standard undergraduate levels on the LLB/BA LAW, and for postgraduate modules within discrete areas of domestic and international property law. There are also textbooks to support the teaching of property law to ‘non-law’ students, i.e. students enrolled on law modules in other schools such as architecture, civil engineering and real estate management. On the whole, these texts evidence the traditional ‘textual’ approach to property law pedagogy, with the occasional introduction of colourful boxes, textual diagrams and problem-questions for relief. However, apart from these ‘highlighting’ or ‘exploratory’ techniques, there is very little evidence of an engagement with the ‘dynamic reality’ of land law research and practice that would be central to most property lawyers’ experiential reality (Eberhard 2014).

On a review of the available core textbooks for LLB Land Law modules, there appears to be one notable exception; April Stroud’s ‘Making Sense of Land Law’ (2013). While it is quite basic in its visual representation, it offers the potential to engage the students in the reality of land and to consider the practical implications of the diverse relationships to it. Stroud won a UK Centre for Legal Education (UKCLE) award for the first edition of the text and in her acceptance she explains her pedagogic considerations:

I wrote the book because, in my role as lecturer, I am a teacher, not an academic. Our purpose as teachers is to communicate... With the emphasis on widening participation, we need to think more and more carefully about how we communicate with students ...I started off by looking at what students wanted... They wanted diagrams... So, *Making sense of land law* is structured using boxes and it contains diagrams. This satisfies the students’ need to know exactly what it is they are learning and where it fits in, and it also satisfies visual learners. (Stroud, 2005)

While Stroud refers to the use of diagrams in her text, the more impressive visual learning and teaching device is the provision of basic plans or ‘plots of land’, with

clear and cogent explorations of the shifting rights and responsibilities that relate to that specific piece of land. This allows the student to really ‘see’ the implications of the rule application to the land itself. Property law academics therefore have the potential to consider visual approaches such as these in the drafting, and selection, of core textbooks.

b) In-class Presentation

Academic practitioners are also faced with a wide array of presentation styles, techniques and supporting software that could increase or enhance the visual presentation of teaching material in the lecture theatre or classroom (Weir 2010). While the threat of ‘Death by Powerpoint’ (Kerr 2002) has instilled fear in students and practitioners for nearly fifteen years, new software such as Prezi allows for enhanced visualisation, connection, and the embedding of a range of concepts and materials. While Prezi is acknowledged as a valuable tool for engaging higher education students (Conboy, Fletcher, Russell and Wilson 2012), it is particularly well suited to the teaching of property law subject matter.

Prezi gives the lecturer the freedom to zoom in on content and, in doing so, evidence a drilling down or deeper analysis of subject matter; it also allows for movement between concepts, which enables the instructor to compare and contrast the concepts or subject matter. This is particularly useful in exploring the dynamic nature of rights and responsibilities between the parties to an action in property; e.g. the conflicting rights and responsibilities of the mortgagor and mortgagee in repossession, exploring the benefit and burden of restrictive covenants for the covenantor and covenantee, and even analysing aspects of occupier’s liability in tort towards visitors and/or trespassers. These pedagogic devices facilitate a blended approach between the textual and the visual, allowing more freedom for the creative academic practitioner and encouraging the inclusion of pictorial and video content, as well as other internet content such as Geographic Information System (GIS) maps.

GIS maps such as Google Maps can prove to be a valuable teaching and learning tool for property law, as students are seeing the practical effects on space and place in real locations (Lamb and Johnson 2010). A number of law-specific sites such as the London Law Map (2013) and Open Law Map (2014) have been established to provide

a visual representation of the ‘realness’ of the case law, providing pictures and maps of their locations, as well as blog content and discussion forums. Academics like Weir recognise the value of GIS maps in encouraging the textual exploration of the cases, humorously observing that it may ‘spark student interest to actually read the relevant case law’ (Weir 2010 p.111).

Google Maps can provide a very useful teaching tool in-class in the ways set out above but can also be useful as a practical application for the exploration of legal concepts, consideration of the operation of legal rules and mechanisms, and the analysis of the possible outcomes for the property and the parties involved. This is particularly advantageous in the interpretation of areas such as the law of easements. Students can be presented with a real plot of land, with Google Maps enabling the instructor to lay down content onto their own map: The instructor therefore personalises the map, setting out the parties, explaining the history of the dispute and evidencing the boundaries and potential easements on the map provided (King 2014). The instructor in this way provides an exercise that can be worked through within the lecture session but also allows for ‘play’ outside the classroom, and provides the potential to link to other classes and teaching activities.

c) Student tasks and exercises

In approaching student tasks or activities, this paper mostly considers those presented within the traditional ‘lecture followed by seminar/tutorial’ framework but these could equally be applied to ‘flipped classroom’ or ‘problem-based learning’ strategies (Orji 2015). For example, the narrative aspects of law, as considered by Sherwin (2008) and Adrian (2010), can be introduced through the client briefings and law firm discussions presented by Orji in his pedagogic research into problem-based learning in property law but can also inform tutorial reading and activities.

In preparation for class, students could be given a number of video clips to watch, or voice recordings to listen to, and some resultant discussion points to prepare. These pre-recorded clips, with peers as ‘actors’, could involve different representations of the same events, allowing students to consider the role of the ‘law’ in application to these narratives. This ‘controlled environment’ for the exploration of client advice and rule application runs no ethical risks and allows the students to prepare for ‘real-

life' situations: People do not ask whether the benefit or burden of their freehold covenant runs with the land but they come with tales and stories that the practitioner has to mould into a legal framework. By relating to personable characters the students can develop a wider range of perspectives such as empathy and develop their 'emotionally literacy', as classified in de Bono's (1999) white hat category.

Similarly the maps, diagrams or pictures used in the lecture content can be expanded upon and explored in the smaller group sessions: This data can be utilised as evidence, or to allow for the further analysis of rules and/or their application. Visual aspects of fixtures and fittings/chattels can be brought to life, easements can be viewed as having a real and significant impact on land use, and the rights and responsibilities of the parties within property-related disputes can be clarified. Most law students will not have been involved in a property conveyance, may not even have signed a tenancy agreement, and their introduction to the subject matter of property law is a steep learning curve: It is presumed that, by using more familiar visual prompts, 'a lecturer will be able to stimulate interest in property law without prejudicing unduly the coverage of doctrine and concepts that will remain fundamental to the understanding of property' (Weir 2010, p.113).

5. Conclusion

This paper evidences a personal quest to consider the use of visual elements in teaching property law, as well as examining the relevant pedagogic justifications and considerations for this. An abridged overview of the available literature on 'visual learning' proffered some opportunities for the customary use of more visual approaches in teaching practices, rather than to suit a select group of 'visual learners'. Consequently, the academic practitioner can consider a range of effective strategies to incorporate mixed media into their teaching in order to address the visual literacy needs of the students, within the wider context of information literacy development.

In situating these findings within legal pedagogy, this paper explores the historical legacy of textual dominance and determines that any contemporary visual approaches within legal education will need to be undertaken in a way that complements and enhances the textual element of legal studies. The more visually engaged academic

research and teaching practices presented in this paper provide encouragement and information for the practitioner considering such approaches in their own work. Legal practice and education is awakening to visual literacy, but the analysis conducted within this paper evidence that these techniques must not be pushed upon students in a way that alienates them or demeans their learning processes, but in a way that develops their ability to engage with, interpret and analyse a variety of data.

The visual pedagogy practices outlined in this paper seem particularly suited to the 'real' nature of property, and they allow connections to be made with the rights and responsibilities that attach to, bind, or fetter the property in some way. While it is tempting, and definitely less time-consuming, to 'teach as taught' in a traditional Socratic style, the opportunities for critical thought and debate are obvious within the examples given. This paper provides a far from comprehensive overview of the visual tools available to the contemporary property law academic but its aim is to promote the use of visual aspects such as these within teaching practices, and to engage both lecturer and student in an effective learning relationship that draws upon a wider range of resources.

References

- Adrian, A., 2010, 'The Persuasion Game: The Story of Law and Legal Education', *Entertainment Law Review*, 21(7) 256-262.
- Bankowski, Z. and Rogalska, A., 2009, 'Beyond Text in Legal Education' Available from: <http://www.ukcle.ac.uk/resources/teaching-and-learning-practices/bankowski/> [Accessed 11th January 2016].
- BBC - Northern Ireland Learning, 2003, 'Teachers: Learning Styles', Available from: http://www.bbc.co.uk/northernireland/schools/11_16/gogetit/teachers/learning.shtml [Accessed 11th January 2016].
- Bennett, L. and Layard. A., 'Legal Geography: Becoming Spatial Detectives', *Geography Compass*, 9(7) 406-422.
- Biggs, J., 2003, *Teaching for Quality Learning at University* (2nd edn), Buckingham: Society for Research in Higher Education and Open University Press.
- Bordeleau, A. and Bélanger, A., 2014, 'Art, Architecture and Law: The Architectural Project and the Legal Contract as Social Artefacts', *Architecture_media_politics_society*, 4(3) 1-17.
- Brown, G. and Atkins, M., 1988, *Effective Teaching in Higher Education*, London: Routledge.
- Choolhun, N., 2012, 'The Only Way is Information Literacy', *Legal Information Management*, 12(1), 44-50.
- Chynoweth, P., 2008, 'Legal Research' in Ruddock, L. and Knight, A., eds., *Advanced Research Methods in the Built Environment*, Oxford: Wiley-Blackwell.
- Conboy, C., Fletcher, S., Russell, K., and Wilson, M., 'An evaluation of the Potential Use and Impact of Prezi, the Zooming Editor Software as a Tool to Facilitate Learning in Higher Education', *Innovations in Practice*, 7, 31-45.
- Damrosch, L., 2009, 'An Interview with the Damrosch Duo', *The Harvard Crimson*, Available from: <http://www.thecrimson.com/article/2009/4/16/an-interview-with-the-damrosch-duo/> [Accessed 11th January 2016].
- Davys, M. and Smith, J., 2008, 'It's Land Law, Captain, but not as we know it: using drama to enhance large group learning', Available from:

<http://www.ukcle.ac.uk/resources/teaching-and-learning-practices/landlaw/>
[Accessed 20th January 2016].

- Day, M., 1997, 'NCTE Passes Visual Literacy Resolution', Available from: <http://english.ttu.edu/Kairos/2.1/news/briefs/nctevis.html> [Accessed 20th January 2016].
- De Bono, E., 1999, *Six Thinking Hats*, London: Penguin.
- Dick, B., 2002, *Action research: action and research*, Available from http://www.uq.net.au/action_research/arp/aandr.html [Accessed 24th January 2016].
- Douzinas, C., 2000, 'The Legality of the Image', *Modern Law Review* 63, 813-30.
- Eberhard, C., 2014, 'Culture, Community, Comparison: Approaching Law in the Pluriverse' in Nobels, N. and Schiff D. eds., *Law, Society and Community. Socio-Legal Essays in Honour of Roger Cotterrell*, Farnham: Ashgate, 153-168.
- Fleming, N., 2012, 'VARK – a Guide to Learning Styles', Available from: <http://www.vark-learn.com/english/index.asp> [Accessed 24th January 2016].
- Gangwer, T., 2009, *Visual Impact, Visual Teaching* (2nd edn), Singapore: Corwin Press.
- Gardner, H., 1999, *Intelligence Reframed: Multiple Intelligences for the 21st Century*, New York: Basic Books.
- Goodrich, P., 1999, 'The Iconography of Nothing: Blank Spaces and the Representation of Law in Edward VI and the Pope' in Douzinas, C. and Nead, L., eds., *Law and the Image*, Chicago: University of Chicago Press.
- Goodrich, P., 2015, *Legal Emblems and the Art of Law: Obiter Depicta as the Vision of Governance*, Cambridge: Cambridge University Press.
- Halder, P., 2008, 'Law and the Evidential Image', *Law, Culture and the Humanities*, 4 139-155.
- Happio, H., 2010, 'Visualising Contracts and Legal Rules for Greater Clarity', *The Law Teacher* 44(3) 391-406.
- Kerr, C., 2002, *Death by Powerpoint: How to Avoid Killing Your Presentation and Sucking the Life Out of Your Audience*, Santa Ana: ExecuProv.
- King, F., 2015, 'Easements – Abbot's Hall', Available from: <https://www.google.co.uk/maps/@52.1858315,0.9907682,17z/data=!3m1!4b1!4m2!6m1!1szWOxrIZrkiXM.k4El0hHNgFw8> [Accessed 11th February 2016].

- Krathwohl, D.R., 2002, 'A Revision of Bloom's Taxonomy: An Overview', *Theory into Practice*, 41(4) 212–18.
- Lamb, A. and Johnson L., 'Virtual Expeditions: Google Earth, GIS, and Geovisualization Technologies in Teaching and Learning', *Teacher Librarian*, 37(3) 81-85.
- Lambert, C., 2009, 'Professor Video', *Harvard Magazine*, Available from: <http://harvardmagazine.com/2009/11/new-media-transform-college-classes> [Accessed 24th January 2016].
- Layard, A., 2015, 'Law, Property, Place', Available from: <http://antonialayard.com> [Accessed 28th January 2016].
- Leighton, P., 1998, 'New Wine in Old Bottles or New Wine in New Bottles?' *Journal of Law and Society*, 25(1) 85-101.
- London Law Map, 2013, Available from: <http://www.londonlawmap.com> [Accessed 11th February 2016].
- McLaurin, N. and Presser, P., 2004, 'Educating the MTV Generation: Legal Information Skills Online', *Legal Information Management*, 4(1) 37-43.
- Moran, L., 2012, 'Virtual Justice', *International Journal of Law in Context*, 8(3) 431-446.
- Newcastle University, 1998, 'Visual-Verbal Dimension', Available from: <http://lorien.ncl.ac.uk/ming/learn/vis-vrb.htm> [Accessed 24th January 2016].
- Nightingale, J., 2011, *The Guardian*, 'A lot of my children are visual learners', Available from <http://education.guardian.co.uk/screencheck/story/0,,1745849,00.html> [Accessed 24th January 2016].
- Open Law Map, 2014, Available from: <http://openlawmap.co.uk> [Accessed 11th February 2016].
- Orji, P., 2015, 'Problem-Based Approach in Property Law – A University's Strategy in Focus', *The Law Teacher*, 49(3) 372-387.
- OUP, 2011, 'Law Teacher of the Year', Available from: <https://global.oup.com/ukhe/lawresources/goodwill/lawteacher/archive/ltoty11/:jsessionid=7987D15BF3E254CE83B282941108A81D?cc=gb&lang=en&> [Accessed 28th January 2016].

- Philippopoulos-Mihalopoulos, A., 2007, 'Theorising Environmental Law and the City', Abingdon: Routledge.
- Perry-Kessaris, A., 2014, 'The Case for a Visualized Economic Sociology of Legal Development', *Current Legal Problems*, 67 169-198.
- Petty, G., 2009, *Teaching Today: A Practical Guide*, London: Nelson Thornes.
- Podboy, A., 2008, 'We Gotta Serve Somebody', *Legal Information Management*, 8(2) 96-100.
- Robson, P., 2012, 'Law and Popular Culture' in Halliday, S., ed, *An Introduction to the Study of Law*, Edinburgh: W.Green.
- Sherwin, R., 2008, 'Visual Literacy in Action: "Law in the Age of Images"' in Elkins, J., ed., *Visual Literacy*, Abingdon: Routledge.
- Sherwin, R., Feigenson, N. and Speisel, C., 2006, 'Law in the Digital Age: How Visual Communication Technologies are Transforming the Practice, Theory and Teaching of Law', *Berkeley University Journal of Science and Technology Law*, 12(2) 227-270.
- Siems, M., 2008, 'Legal Originality', *Oxford Journal of Legal Studies*, 28(1) 147-164.
- Spiesel, C., 2006, 'Reflections on Reading: Words and Pictures and Law', *International Journal of Law in Context*, 2(3) 305-320.
- Stroud, A., 2005, 'Making Sense of Land Law', Available from <http://www.ukcle.ac.uk/resources/teaching-and-learning-strategies/land/> [Accessed 25th January 2016].
- Stroud, A., 2013, *Making Sense of Land Law* (4th edn), Basingstoke: Palgrave Macmillan.
- University of Brighton, 2007, 'Visual Learning Resources', Available from <http://www.brighton.ac.uk/visualllearning/> [Accessed 25th January 2016].
- Weir, M., 2007, 'Ways to Make the Teaching of Property/Land Law More Interesting', *Journal of South Pacific Law*, 11(1) 107-115.