

Cyclical curriculum theory: Its place in the development of contemporary law units

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Abstract

Along with assessment, curriculum is one of the most important aspects of education. This article examines the impact that a formal knowledge and understanding of the cyclical model of curriculum can have in the teaching of law units. An examination of the key points of the cyclical model of curriculum as espoused by Wheeler and Nicholls and Nicholls is undertaken. The article concludes with a discussion of the value the cyclical model of curriculum can have on the initial design and relevant changes to existing contemporary law units.

Keywords: Curriculum theory, cyclical model, law, teaching

1. Introduction

The concept of curriculum theory is not new. It developed with, what are now considered to be the more established examples of formal curriculum, around sixty years ago. That traditional curriculum theory has been used extensively to plan and map the activities that have occurred in the classrooms of primary and secondary schools since that time. What is new is the consideration of how these formal curriculum theories may be used in the tertiary environment. Specifically this article seeks to examine how one of the better known examples of curriculum theory, the cyclical model, could be used to assist teachers of law units to plan and evaluate the effectiveness of the activities they undertake with students.

2. Defining 'curriculum'

As it is a central tenet of this paper it is worth spending a moment in examining what the term 'curriculum' actually means. Indeed the word 'curriculum' is often the subject of confusion and many may not appreciate the difference between curriculum, syllabus and pedagogy. ^[1] But an understanding of what curriculum means, in all of its social, cultural, technological, political and environmental contexts as well as its internal and external impacts will assist legal educators to appreciate the need to apply theory into practice in the learning environment.

Definitions of curriculum can be quite simple or rather complex. Four mainstream definitions of curriculum, from people prominent in the field, include this from Neagley and Evans:

"Curriculum is all of the planned experiences provided by the school to assist pupils in attaining the designated learning outcomes to the best of their abilities."^[2]

Whilst Inlow states that curriculum is "... the planned composite effort of any school to guide pupil learning toward predetermined learning outcomes."^[3]

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."^[4]

Johnson posits "...curriculum is a structured series of intended learning outcomes. Curriculum prescribes (or at least anticipates) the results of instruction."^[5]

Based on these definitions it would be fair to state that curriculum is an attempt to communicate the essential principles and features of content to be delivered and assessed in such a way that it is open to external critical scrutiny and capable of effective translation into classroom pedagogy.

3. From Curriculum to Models

There should be little doubt that designing a curriculum is a complex, but systematic process. ^[6] The process of transferring or transcribing the theoretical basis of curriculum is the process of developing a model of curriculum. These different processes are referred to in the literature as models of curriculum.^[7] As Brady states, although there are different uses for the term, a model of curriculum is simply a convenient way of explaining the different processes of curriculum development, which include the objectives, the content, methods and evaluation. ^[8]

Print makes it very clear what a model of curriculum is and why it is necessary when he states:

A model is a simplified representation of reality which is often depicted in diagrammatic form...The purpose of a model is to provide a structure for examining the variables that constitute reality as well as their inter-relationship. ^[9]

Therefore, a model of curriculum, including the cyclical model examined in this article, is simply a method of ensuring that content delivery and assessment takes places in a particular format. ^[10] It is by adhering to the well-established and recognised cyclical model of curriculum, that the teaching of law units gains the acumen, punctiliousness and probity of being grounded in recognised theoretical constructs for the delivery of information.

4. The Cyclical model of curriculum

The cyclical model of curriculum developed after and appears to have a significant connection to the rational/objective models of curriculum. Although an important difference is that the cyclical model views the curriculum process as circular or

a continuing activity, rather than the fixed and rigid processes which the rational/objective model of curriculum is associated with. As Print states:

...cyclical models see the curriculum process as a continuing activity, constantly in a state of change as new information or practices become available.^[11]

This may be an especially important difference and desirable characteristic given the often dynamic nature of law. Print, and others in the educational field, have suggested that the value of this model may have been underestimated by many scholars.^[12] The theorists most associated with the cyclical model are Wheeler^[13] and Nicholls and Nicholls^[14] Although there are some small differences between the precise models put forward by each of these groups, essentially the key element is that the process of curriculum development is seen as a cycle. That is, it has no particular beginning or end.

5. The Cyclical model of curriculum - Wheeler

Wheeler states very clearly that "one of the problems of curriculum theories is that they don't work in practice".^[15] Although he does not provide any discussion of why this may be the case, based on his assumption he devised his own theory which was based on logical/sequential development.^[16] Wheeler's version of the cyclical model from 1974 consisted of five logically sequenced phases, those being:

- 1) Selection of aims, goals and objectives.
- 2) Selection of learning experiences to help achieve these aims, goals and objectives.
- 3) Selection of content through which certain types of experiences may be offered.
- 4) Organisation and integration of learning experiences and content with respect to the teaching-learning process.
- 5) Evaluation of each phase and the attainment of goals.^[17]

Step one involves the selection of aims, goals and objectives as relevant to the specific content area. For law courses this may mean consulting with external accrediting bodies who control these aspects of the curriculum. These features are usually thought of in broad terms and may represent broad aspirations, rather than specific features of content. The aims, goals and objectives represent the baseline data needed for the other steps in the entire process to be considered.^[18] For example, in tort law it may mean that a student needs to understand the development of the law of negligence rather than memorise section 13 of a particular Act of Parliament.

Step two involves the selection of activities which occur in the class room in order to ensure that the material specified in step one is delivered. In law this will necessitate that an educator thinks about the best strategies to deliver the broad aims and objectives. There may be limitations given budget, the availability of technology and the aptitude of students. So for example in the teaching of taxations law a visit to a court which specialised in the treatment of taxation matters may be of benefit if one of the broad aims was to develop an understanding of the bodies which interpret and apply taxation laws.

Step three involves the selection of content through which different experiences may be offered. Content in this context, means the subject matter of teaching/learning. It involves much more than simply facts and could include attitudes, values and skills. In law units such as contract law, it could include things like learning the skill of solving a legal hypothetical problem.

Step four involves the organisation and integration of learning experiences or methods as they are connected to the teaching/learning process. Here this could involve an appreciation of the difference between student centred and teacher centred activities. So for example in the teaching of constitutional law this could involve an examination of whether students might be invited to draft their own constitution or particular section of a constitution, which could for example guarantee freedom of religion. Or whether the teacher would model how a constitution or specific section of a constitution could be drafted.

Step five involves an evaluation of the different phases and an examination of whether the goals have been attained. This can be done through formative or summative means and adjustments can be made if the goals have not been attained. In teaching a criminal law course for example, this could be done by observing the participation of students in understanding the broad aims and goals set out in step one via student participation. Or via a formal written examination conducted at the conclusion of the unit.

Wheeler stated that whilst each stage is independent of the other there is a logical development from the preceding one to the next in the phase for "most commonly work in one phase cannot be attempted until some work has been done in a preceding phase".^[19] Implicit in these comments is almost the suggestion of a more rational/objective approach to curriculum design. This has been a criticism of the Wheeler model. That is, that it is not perhaps a very good example of the cyclical model and may in fact be more akin to the rational/objective model of curriculum theory.

6. The Cyclical model of curriculum - Nicholls and Nicholls

Nicholls and Nicholls model of curriculum, developed in 1976, has been taken to be more representative of the cyclical approach. The real notion of the cyclical nature of this model is present in this version of the model rather than the Wheeler version. Its cyclical nature is emphasised by Nicholls, who indicates that with this model "there is no starting-point...it is a never ending process".^[20] But this becomes somewhat confused by Nicholls and Nicholls who also state that learning needs to be specifically planned if a "pupil's learning is to be directed towards desired ends"^[21] thus making it implicit that at some stage there must be a starting point and also an end point depending on the need for formative assessment at a future point in time.

As was the case for the Wheeler version of the cyclical model, the Nicholls and Nicholls model of curriculum has a five point plan of developmental progression. Those five points are:

- 1) Situation analysis.
- 2) Selection of objectives.
- 3) Selection and organisation of content.
- 4) Selection and organisation of methods.
- 5) Evaluation.^[22]

Step one involves a situational analysis. This means that a broad examination of the topic to be covered needs to occur. This could be both a theoretical and a practical examination of the topic, which may vary. For example, it may be more theoretical in a law unit which focused on the theory behind law and more practical in a unit such as Family law which needed to concentrate more on the established law rather than the reasons for the laws development.

Step two involves the selection of objectives for the unit. This is seen as more broad than the aims which will be identified in step three. As for the Wheeler model, described above, this means that consultation with external accrediting bodies will be necessary. As it is these external accrediting bodies who control what outcomes need to be demonstrated in order to be considered for admission to the professional society of lawyers.

Step three involves the selection and organisation of the content. This will involve the curriculum designer in making a clear statement of the skills and content that they wish to be able to identify in a student who successfully completes the unit.

Step four of the Nicholls and Nicholls model involves the selection of the teaching methods of delivering the content of the unit. An understanding of cognitive development in best engaging students will need to occur here. For the designer of a real property law unit, this may mean an examination of whether watching a video where the results of an important precedent on the topic is discussed or organising a field trip to the site of the property which was the subject of the court case that has already been heard and decided, would be better for the student's understanding of the content.

The final step, step five, of this model involves evaluation. Whilst Nicholls and Nicholls simply use the singular word 'evaluation' to state what they intend to be the subject of their final step, the concept of evaluation is much more intricate. Evaluation would involve not only an assessment of the student, via appropriate formative or summative means, of the objectives set out in step two, but an evaluation of the curriculum design process itself.

The five steps provided by Nicholls and Nicholls appear relatively straight forward and practical. Certainly the model is less complex and convoluted and more flexible when directly compared to traditional rational/objective models and reflects Nicholls and Nicholls view that if students are to be effective learners that learning must be thoroughly planned.^[23]

Nonetheless, as Skilbeck points out, by adopting this type of model, that is a model with a fixed situational analysis as a starting point, the whole curriculum design process is stifled by the initial baseline data upon which the objectives of the course had to be formulated.^[24] Implicit in this notion is the fact that, although the process is cyclical, there must at some stage be a starting point. And this is in fact a common criticism of the cyclical model. That, although it purports to be cyclical, there must be a starting point and an end point.

7. Implications

Curriculum is often a controversial issue. That is, many will always be willing to argue that the curriculum does or does not provide for the outcomes designed to be demonstrated by students or that it does or does not need to change. This means that there is often a reluctance amongst educators towards change.^[25] It is not the intention of this paper to argue the political or cultural merits of a particular curriculum. Rather, it is submitted, that it is important for legal educators to be aware of the climate in which they operate and to ensure that their undertakings in the classroom can stand up to scrutiny from relevant bodies. As many legal educators in the tertiary environment may lack formal qualifications or knowledge of education theory or specifically curriculum theory, a knowledge of the cyclical model and how it can guide their

activities becomes essential. That is, a knowledge and application of this theoretical component adds value to the learning activities that happen in the classroom and means that the activities undertaken by the legal educator can stand up to external perustration.^[26]

Having a knowledge of the theoretical basis of curriculum will assist legal educators to satisfy professional competencies and provide rigour to the work that they undertake. A knowledge of the cyclical model may help legal educators to better prepare for the work they undertake within the classroom by grounding the practical activities they undertake in established theory. According to Print the model may be especially useful for content areas that undergo significant and frequent changes, such as law units.^[27]

Whilst it is not the most common in the field, the cyclical model may be useful for legal educators but it may also provide some difficulties that the legal educator would need to overcome. Under the cyclical model, there is a heavy reliance on the need for aims, goals and/or objectives to be considered before content can be developed and then evaluated. This may be of value if there is a need to satisfy elements of transparency set by an independent accrediting body. There is an inherent benefit of implicitly noting the need for curriculum to be continually revised when content change is required. Therefore changes to the content do not necessarily require a whole new curriculum to be developed.

Similarly, this allows for the updating of the assessment components of the curriculum. If the curriculum is more flexible there is more scope for ensuring that the assessment of learning outcomes can be altered from year to year without requiring the course to be entirely rewritten. This will require the educator to fully "conceptualise the task(s) before proceeding".^[28]

Flexibility in curriculum is also fundamental to student engagement. The curriculum needs to have the capacity to allow for meaningful discussions of relevant developments in the area of law being studied as they become known. An ability to cope with change is a key feature of the cyclical model. Engagement with the most current body of knowledge is also part of ensuring high professional standards amongst students entering the legal society. These are features which are connate to the operation of the cyclical model of curriculum.

8. Conclusion

Along with assessment and pedagogy, curriculum design is central to teaching and learning. Having an understanding of and choosing a particular model of curriculum to use by an educator is important.^[29] At a fundamental level a knowledge of the factors that influence curriculum design assist a legal educator to be able to better understand how the content they are required to deliver is connected to the learning experiences which occur in the classroom. Failure to have knowledge of the different models of curriculum or to ignore them altogether, means that education takes place in a random and haphazard manner. This cannot be allowed to occur and should be considered akin to professional negligence. Or as Skilbeck states "the curriculum cannot be left to the whims of individual teachers, however charismatic and brilliant, or to the (student's) preferences."^[30]

The choice of the cyclical model of curriculum will provide a framework for the operation of a unit of work. Using a the

established cyclical model of curriculum in teaching law units will add to the professionalism of the unit. It will provide rigour, integrity and reliability to the activities that law educators in a tertiary setting undertake.

Key to the consideration of using the cyclical model to guide the development in law units is the notion of the dynamic nature of the law. The law is rarely static. Although it is often criticised as being slow to change, the reality is that the law does change. Whilst some areas of the law change more rapidly and dramatically than others, the law nonetheless is a continually changing and evolving entity.

The cyclical model would appear to have significant advantages in this situation as it means that educators can continually come back to their work and make changes, rather than go back to the beginning and start again every time there is even the smallest of changes needed to the curriculum.

9. References

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