

Traditional Curriculum Theory: Its Place in the Development of Law Units

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ABSTRACT - *As one of the main concerns of education, this article examines the impact that traditional formal curriculum theory can have on the teaching of law units. An examination of the traditional rational/objective curriculum models espoused by Ralph W Tyler and Hilda Taba is undertaken in the context of their value to legal education. The article concludes with an indication that an understanding of and commitment to use elements associated with formal curriculum theory can assist rigour, credibility, consistency and reliability in the learning activities that are undertaken by the educators of law students.*

Keywords— Curriculum theory, law, teaching

1. INTRODUCTION

Although the word 'curriculum' or 'curricula' is not new, the formal concept of curriculum, principally developing in the second half of the twentieth century, is relatively new. A formal understanding of curriculum can have a significant impact on the teaching of all law units and assist both students and educators.

Despite there being a significant number of traditional 'models' of curriculum theory which have been developed in a relatively short period of time, the emphasis of this article is on providing an examination of some of the earliest examples of the theory in order to examine the impact upon teaching law units. The rational/objective models of curriculum are detailed and an examination is made of how these models can impact teaching law units.

2. THE PROBLEMS OF DEFINING 'CURRICULUM'

The concept of the term 'curriculum' may initially seem fairly straight forward, but it is not necessarily easy to properly and fully define. The very word 'curriculum' contains a variety of different meanings depending on its contextualisation. [1: p.153] Whilst it is not the intention of this article to focus directly upon these various syntactical or polemical meanings, a brief analysis will be undertaken in order to set the historical and educational contexts of this concept in order to examine the broader aims of this article.

Since the beginning of the development of the concept of curriculum, there has been a continuing effort to define and redefine the formal notion of curriculum; to define its parameters. [2: p.43] That is, curriculum theory has featured extensively in educational literature. There appears to be no one definitive view of the concept. Indeed the concept is continually evolving.

One of the principal reasons why the concept is so difficult to define is the fact that the word is used by a variety of people, from different backgrounds, in a multitude of different situations. It has different contextualisations both culturally and politically. This necessarily results in a highly contextual existence.

Smith and Lovat illustrate this point when they state:

The word itself (curriculum) is used in many different contexts, by principals in schools, by teachers, by curriculum writers in education systems, and even by politicians. It can mean different things in each of these contexts. [3: p.7]

Whilst Smith and Lovat have provided a range of potential characterisations for the word it is apparent that they ignore some of the other potential uses of the term and thus further contextualisation of the words meanings. Take for example two other relatively obvious groups, parents and the general public. Clearly these

are two other relevant groups, which thus increase the number of possible variables to draw upon in characterising this term. Undoubtedly there are other groups who use this term and ascribe their own meanings.

It is not only Smith and Lovett who have contemplated this particular problem. Skilbeck also attempts to define the concept of curriculum and outlines his reasons for acknowledging it as a very difficult task. [4] What Skilbeck encapsulates in the following passage is that it is almost impossible to give a concrete definition of the term, again due to the notion of contextualisation:

Because curriculum is such a commonplace term within education and is increasingly used in the wider public arena, definitions will just be a kind of shorthand for positions or viewpoints which can be quite varied and elaborate. [4: pp.20-24]

It is therefore patently evident that the term has a variety of different meanings amongst its different user groups. But, even within some of these various groups there can be confusion over the precise meaning of the term.

Marsh and Stafford make it clear that within the teaching and academic communities there can be confusion as to how broadly the term can be defined. They state that the term is often confused with syllabus and instruction. If there is such confusion within one of the main user groups it is hardly surprising that the term is so heavily contextual. [5]

Stenhouse has suggested, “definitions of the word curriculum do not solve curricular problems”. [6: p.1] What is clear from this statement is that it is unnecessary to be drawn into the academic debate over the nature and parameters of this concept. This article does not seek to enter into this continuing debate (although there is acknowledgement of its importance) of formally defining the notion of curriculum. It is important to make clear, for the purposes of this article, that the curriculum is an essential part of delivering information, instructions and behaviour modification to learners in an effective and efficient way and then evaluating the success of these undertakings. [7: pp.101-102] Or as Beauchamp succinctly states:

A curriculum...is a system for decision making action with respect to the three primary curriculum functions: planning, implementing, and evaluating.[8: p.206]

It is by acknowledging that it is via a curriculum that knowledge and skills can be communicated to individuals and groups that leads to the proposition of how this can be most effectively accomplished in law units.

3. FROM CURRICULUM TO MODELS

Learning, behaviour modification, or the delivery of information can take place in a number of different prescribed formats. These different formats are referred to in the literature as models of curriculum. [9: pp.57-58] As Brady states:

A model of curriculum development is simply a convenient way of showing the relationship between the essential curriculum elements in the process of curriculum development. [9: p.71]

Similarly Print states:

The purpose of a model is to provide a structure for examining the variables that constitute reality as well as their inter-relationship. [10: p.61]

These may simply be rather unconventional ways of stating that models of curriculum are simply different ways of ensuring that education takes place in an organised fashion. Or perhaps even more simply, a system where specific labels are attached to the different processes and functional stages associated with education. It is anticipated that these labels in the curriculum field are intended to cover objectives, content, method and evaluation. It is by adhering to a recognised model of curriculum that the teaching of law units gains the professionalism, rigour and credibility of being grounded in recognised theoretical constructs for the delivery of information which also have practical consequences. Without the use of a model of curriculum to guide educators, what occurs is open to significant criticism that the activities which are occurring are haphazard or random and are of no value to the student or the wider community.

4. RATIONAL/OBJECTIVE MODEL OF CURRICULUM

The rational/objective model, as principally espoused by Tyler [11] in 1949 and Taba [12] in 1962, is regarded as one of the most influential in the field of curriculum design. [13: p.45] it has been widely used by educators for over fifty years.

This model emphasises the rigid and logical sequence of the development of a curriculum. The model was initially developed by Tyler because of a perceived need to focus upon “clearly defined purposes” [11: p.3] in

order to construct appropriate educational content and outcomes and thereby to ensure transparency of operations.

The elements which make up this model are set out in a logical order, from which deviation is very difficult. To deviate from the prescribed basis would be likened to changing the whole nature of the model, likely to result in the new variation or model being developed.

These rational/objective models have at their core a distinctly regimented series of processes requiring a logical and sequenced method of construction.

5. TYLER'S MODEL

As espoused in Tyler's seminal work *Basic Principles of Curriculum and Instruction*, the four steps associated with this objective approach include:

- Step 1: What educational purposes should the school seek to attain?
- Step 2: What educational experiences can be provided that are likely to attain these purposes?
- Step 3: How can these educational experiences be effectively organised?
- Step 4: How can we determine whether these purposes are being attained? [11: p.51]

Step one is designed to determine the specific needs of the school, unit or subject. That is, what will the student need to do in order to be successful? These objectives in law may be set by external bodies who control what objectives/skills must be mastered.

Step two involves the development learning exercises or experiences that are designed in order for the students to achieve step one. An example of this may be if students are required to learn the skill of solving a legal problem that exercises are designed in order to achieve this objective.

Step three involves organising the experiences. That is should the experiences be student centred or teacher cantered and in what order should they be sequenced.

Step four involves an evaluation of the objectives. The teacher would design a method, which is used to test the student's understanding of the objective taught.

6. TABA'S MODEL

Taba's rational model of curriculum involves a detailed and rigid seven step plan:

- Step 1: Diagnosis of learner's needs and expectations of society
- Step 2: Formulation of learning objectives.
- Step 3: Selection of learning content.
- Step 4: Organisation of learning content.
- Step 5: Selection of learning experiences.
- Step 6: Organisation of learning experiences
- Step 7: Determination of what to evaluate and ways and means of doing it.[12: p.12]

The similarity between Tyler's four step model described above and Taba's seven point model is self evident. The main difference is, of course, the increase in the number of steps. However, at its core both models are still very similar. The Taba model simply makes the entire process clearer by providing more detail via more steps in the process.

Taba's model has as a central tenet that in order to provide for a valid curriculum it is essential to understand that two separate processes are involved. These being the content/subject matter and the learning experiences/process by which this content/subject matter will be delivered.

7. IMPLICATIONS

What the rational/objective model of curriculum does, is provide for a very clear and unambiguous list of item that an educators needs to work through from beginning to end. That is, there are very clear steps, in chronological order, which if undertaken successfully will lead to a very clear and transparent curriculum being developed. For those unfamiliar with the formal notion of curriculum this could be a very desirable attribute.

Take for example a person being asked to design and teach a contract law course for the first time who had no educational qualifications or experiences. By using the rational/objective model that person would be able to follow a very clear process of establishing what was needed in terms of skills and content to be delivered - this is likely to be prescribed by an external accrediting body. They could then design a series of learning experiences to deliver this content. And then evaluate what has been undertaken.

There are criticisms of rational/objective model for not allowing for the often unpredictable nature of teaching, classroom dynamics, special needs or of the teaching profession itself. [6: p.75] [10: p.68] Smith and Lovat are highly critical of this approach because they sense that it is:

...based on a series of assumptions that suggest that...(education providers) can be regarded a little like factories. [3: p.107]

Such criticisms may also reflect a lack of understanding of the differences between curriculum and pedagogy.

So it is palpable that, when the nature of the content of the curriculum changes, even slightly, under this model there is a need to change many of the elements within the curriculum. It is submitted that this could be observed as requiring the development of a whole new curriculum each time there is a change in the content. Smith and Lovat in criticising this approach do not go quite as far as to suggest that it is similar to the development of a whole new curriculum, but they are adamant that the rational model is constrained because it does not take into account the changing dynamics of many subject areas and thus creates extra work for curriculum designers and implementers each time there is a change to the content. They state that:

They are (rational/objective models) primarily inaccurate because they assume that the curriculum and teaching/learning processes are static, rather than dynamic; linear and sequential, rather than complex and multidirectional... [3: p.110]

There may be a major problem with this model in the context of academic learning in law units. To suggest to a curriculum designer/unit co-ordinator/course convener that even a slight change in the information to be presented, as can often occur with the dynamic and perpetually changing nature of the law, necessitates the redrafting of an entirely new curriculum or at the very least substantial changes to the various steps in the model, creates a very onerous task. This model then may become particularly limiting in areas of law that change rapidly and/or substantially, such as taxation or torts. It may not be practical to redesign an entire curriculum each time there is a small change in either legislation or case law that impacts on the current curriculum.

Further, there are the external impacts from professional accrediting bodies with expectations of content to be delivered according to prescribed standards. As professional standards and the body of professional knowledge changes, so the curriculum must adapt to meet these needs. Again, the rational/objective model may have limitations in its capacity to respond to such requirements without the need for substantial effort.

So we see a very rigid and inflexible approach to curriculum design from this very traditional model of curriculum. This may initially appear to assist the teaching of law units where there is a need to set formal aims and objectives and to evaluate these elements. These are the types of elements which may be required to be palpably evident to external assessors of units by accreditation boards and the like. This model could therefore be useful where there is such an explicit need to be transparent in achieving clearly defined parameters. Although this model will require considerable change, perhaps even radical new design, if these aims and objectives or content change. It may therefore be suitable to areas of the law which change less dramatically than others or to use by academics who constantly seek to re-invent courses.

8. CONCLUSIONS

It would be naive to suggest that the rational/objective model of curriculum as described in some detail within this paper is the only model of curriculum which is in existence. The choice of which curriculum model or which variation of a particular curriculum model to choose to implement content is very important. As Beauchamp states "curriculum theories...function as directive forces" [14: p.27] which provide consistency and certainty for those who plan and evaluate the delivery of content. If an inappropriate model or at least not the most appropriate model is chosen the result in implementing content necessarily suffers. Using the established theoretical curriculum models for the designing of law units adds professionalism, rigour, credibility, consistency and reliability to the activities that educators undertake.

This article contends that it is imperative that any person contemplating the initial design or revision of a law unit must be aware of the different models of curriculum and how the choice of these models has significant consequences on their activities. Further, this article contends that a full understanding of the well established

models, including the rational/objective mode as detailed in this article can assist the educator to provide valuable learning experiences for students and establish to observers the professional rigour associated with the delivery of prescribed content.

The rational/objective model may be particularly useful for those legal educators with no curriculum designing background. That is, no background in a formal educational sense or background which comes from experience in designing and evaluating courses of instruction. It is the very rigid nature of the rational/objective model which be beneficial to these educators as the model itself will compel an educator to think and plan very carefully. If used correctly, this model will then be very transparent when it is necessary for external bodies to audit the operating of law units to ensure that the prescribed content has been delivered.

9. REFERENCES

- [1] S W Su, "The various concepts of curriculum and the factors involved in curricula-making", *Journal of Language Teaching and Research*, vol. 3, no. 1, pp. 153-158, 2012.
- [2] F Bobbit, *The Curriculum* (Boston, Mifflin Co., 1918).
- [3] D L Smith & T J Lovat, *Curriculum: Action on Reflection* (3rd Edition) (Sydney, Social Science Press, 1993).
- [4] M Skilbeck, *School-Based Curriculum Development* (London, Harper and Row, 1984).
- [5] C Marsh & K Stafford, *Curriculum Practices and Issues* (2nd Edition) (Sydney, McGraw-Hill, 1990).
- [6] L Stenhouse, *An Introduction to Curriculum Research and Development* (London, Heinemann, 1978).
- [7] M Young, "Overcoming the crisis in curriculum theory: a knowledge-based approach", *Journal of Curriculum Studies*, vol. 45, no. 2, pp. 101-118, 2013.
- [8] G A Beauchamp, *Curriculum theory* (4th Edition) (Itasca, Peacock, 1981).
- [9] L Brady, *Curriculum Development* (3rd Edition) (Sydney, Prentice Hall, 1990).
- [10] M Print, *Curriculum Development and Design* (2nd Edition) (Sydney, Allen and Unwin, 1993)
- [11] R W Tyler, *Basic Principals of Curriculum and Instruction* (Chicago, The University of Chicago Press, 1949).
- [12] H Taba, *Curriculum Development: Theory and Practice* (New York, Harcourt Brace and World, 1962).
- [13] D F Walker & J F Soltis, *Curriculum and Aims* (New York, Teachers College Press, 1986).
- [14] G A Beauchamp, "Curriculum Theory: Meaning, Development, and Use", *Theory Into Practice*, vol. 21,no. 1, pp. 23-37,1982.