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# Teaching digital and global law for digital and global students: creating students as producers in a Hong Kong Internet Law class

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### ABSTRACT

In an increasingly globalised and digitalised society and economy, legal education needs to foster a different skill set among students from that taught traditionally. Law students need practice in responding to a variety of scenarios and contexts, as well as developing creative and critical thinking skills. The "student as producer" approach provides opportunities for students to build such skills by having students produce work that could benefit their fellow classmates and future cohorts, and contribute to the discipline's knowledge base. We present a case study of a final year undergraduate law course, Internet and the Law, at the Chinese University of Hong Kong where we used the student as producer approach, collaborated with external organisations and used digital tools to foster global and digital-savvy law students. Using a mixed-methods approach we highlight successes and limitations of using the "student as producer" approach, digital tools and an internationalised curriculum in our law classroom. Overall, students and staff found the approach successful in providing global and digital law students with practical skills. We also identified limitations and challenges to be addressed in future projects. Our findings speak to broader themes of active engagement, contributions, and practical knowledge for law students in their learning and future careers.

## Introduction

The twenty-first century has brought about a world which is increasingly global and digital. Law students and legal educators are increasingly encountering this reality, both in terms of how law is and ought to be taught, and in terms of the content of legal education. There is also a more general move to internationalise the curriculum throughout higher education institutions (HEIs) and the inception of digital tools and methods in HEIs. The current COVID-19 pandemic has accelerated this process in many countries, with pivots to remote and hybrid teaching mediated by digital tools. With the increasing importance of digital infrastructure for all aspects of society and the

economy, the question of governing this infrastructure and the interactions (both positive and negative) it facilitates has become more pertinent as reflected in the development of courses on Internet Law, data protection and technology regulation. Accordingly, law students are learning about and graduating into a globalised and digitalised society and economy, where they will need skills to navigate both the form and the substance of these features.

In response, HEIs have focused on implementing new pedagogies to encourage greater engagement among students while still achieving learning outcomes regarding mastery of the course topic and strengthening career-related skills.[1] One such pedagogy is the "student as producer" approach which focuses on research-engaged teaching,[2] whereby students and teachers collaborate to produce new knowledge.[3] Thus far, studies exploring the implementation and efficacy of the "student as producer" approach have been conducted in other disciplines such as information technology,[4] foreign languages,[5] and criminology.[6] We present a case study where we applied the students as producers approach to a new LLB elective, Internet and the Law, at The Chinese University of Hong Kong (CUHK) Faculty of Law, utilising a flipped classroom technique, digital classroom tools, and an internationalised curriculum.

Through a mixed-methods study involving field observations, a survey, and in-depth interviews, we sought to measure how students perceive the efficacy of the student as producer approach for understanding course material, gaining social skills and career preparation in a globalised and digitalised legal profession. Overall, we found that students and staff perceived the student as producer approach, internationalised curriculum, and use of digital tools positively. Students found aspects of the student as producer approach implemented in the course important and useful (notably the open educational resource [OER] and CYRILLA contributions discussed below), and valued the skills and global perspectives gained from presenting and writing up their research. There was room for improvement in fully integrating the student cohort (which had self-segregated into local and international exchange student groups, respectively) and in the feasibility of integrating classroom activities and project partners for the course. This case study benefited from the presence of international exchange students. The course topic of Internet Law was inherently relevant to globalisation and digitalisation. Thus, our success in fostering global and digital law students may be difficult to fully replicate in other legal education settings.

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[1]Mike Neary and Andy Hagyard, "Pedagogy of Excess: An Alternative Political Economy of Student Life" in Mike Molesworth, Richard Scullion and Elizabeth Nixon (eds), *The Marketisation of Higher Education and the Student as Consumer* (Routledge 2010); Mike Neary and others, "Student as Producer: Research-engaged Teaching, an Institutional Strategy" (The Higher Education Academy 2014); Katie Strudwick, "Debating Student as Producer: Relationships, Contexts, and Challenges for Higher Education" (2017) 1(1) Prism: Casting New Light on Learning, Theory and Practice 73.

[2]Neary and others (n 1).

[3]ibid; Mike Neary and Joss Winn, "The 'Student as Producer': Reinventing the Student Experience in Higher Education" in Les Bell, Howard Stevenson and Michael Neary (eds), *The Future of Higher Education: Pedagogy, Policy and the Student Experience* (Continuum 2009); Mais Fatayer, "Towards a Sustainable Open Educational Resources Developmental Model: Tapping into the Cognitive Surplus of Student-Generated Content" (PhD thesis, Western Sydney University 2016); Strudwick (n 1).

[4]Fatayer (n 3).

[5]Jaya Kannan and Pilar Munday, "Challenges in Using Cloud Technology for Promoting Learner Autonomy in a Spanish Language Course: Reshaping Pedagogical Design" in Binod Gurung and Marohang Limbu (eds), *Integration of Cloud Technologies in Digitally Networked Classrooms and Learning Communities* (IGI Global 2017).

[6]Strudwick (n 1).

## CUHK Internet and the Law course

Our case study comprises an undergraduate LLB elective course at CUHK taught by Angela Daly in 2018–19, which incorporated global and digital tools and content utilising the student as producer approach to stimulate collaboration between the teaching team,[7] students, and external collaborators. The course had 28 students, of whom 9 were international exchange students and 19 were local Hong Kong students.

The course was delivered with a combination of traditional and innovative teaching methods, including lectures and guest lectures (in person and remotely) and student participation. The initial nine seminars consisted of two-thirds of formal lecture time and one-third of either open-ended student discussion or guest lectures/video conferencing. The final four sessions involved the students giving oral presentations on the papers in progress to their peers and the teaching team. Students were allocated time in class to work more on these papers and receive further suggestions and feedback from the teaching team before they submitted final versions of the papers at the end of the course for assessment.

The course coordinator had obtained funding from CUHK to create new digitised materials for the course. There was no up-to-date textbook on Hong Kong Internet Law available, which presented an opportunity to create new resources, including through mobilising students' research papers (which they would write as part of the course assessment). The coordinator opted to do this on an open access basis so that knowledge would be generated, co-created and shared in accordance with ideas of openness and the use of digital tools in higher education,[8] and specifically legal education.[9] Furthermore, internationalisation was also a key element in developing the course resources, which led to a collaboration between the teaching team and the CUHK Centre for Learning Enhancement and Research (CLEAR) as part of the university-wide Internationalization of Curricula initiative.[10]

Two external projects were involved in the co-creation of digital resources. One collaboration was with Professor Nicolas Suzor (Queensland University of Technology [QUT] Faculty of Law, Australia) to create contributions based on Hong Kong law for the open access Internet Law textbook entitled *Governing the Internet*, which he led and hosted on the Wikijuris website.[11] This open access textbook mainly contained material on Internet Law in Australia. Our objective was to internationalise this pre-existing OER with content co-created by the teaching team and students and provide Hong Kong students and other interested parties with accessible up-to-date material on this jurisdiction.

Using digital tools including Google Docs (which allow for real-time collaboration in and out of the physical classroom), the course coordinator directed and monitored the students before, during, and after class to work on contributions collaboratively. She set questions for the students to answer in Google Docs. The teaching team assisted by research assistants then checked these answers for accuracy, edited for style, and

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[7]Comprised of Angela Daly, the course coordinator, and a teaching assistant who was a CUHK Law PhD student.
[8]Jessica Stevens, Stephanie Bradbury and Sue Hutley, "Open Education in Practice – How Policy Can Lead to Positive Change" (2017) 66 Journal of the Australian Library and Information Association 249.
[9]W Warren H Binford, "Envisioning a Twenty-First Century Legal Education" (2014) 43 Washington University Journal of Law & Policy 157.
[10]CUHK CLEAR, "Internationalization at Home, Internationalization of Curriculum" <http://cuhk.edu.hk/proj/iah/> accessed 10 May 2021.
[11]"Governing the Internet: A Collaborative Open Course and Textbook" <https://wikijuris.net/cyberlaw/home/> accessed 10 May 2021.

eventually uploaded them to the open textbook. This internationalised the textbook from being an Australia-specific teaching resource to being a more transnational teaching resource with jurisdictional examples drawn from Australia and Hong Kong, and elsewhere including the United States and the European Union.

The second external collaborator was the CYRILLA project, a "global initiative that seeks to map and analyze the evolution and impacts of legal frameworks on digital environments, particularly in the Global South".[12] CYRILLA initially concentrated on Arab League jurisdictions but in 2018 it expanded to cover other jurisdictions in Latin America, Asia, and Africa. The course coordinator contacted CYRILLA to offer a contribution on Hong Kong based on material which the teaching team and students would source during the course of the semester. As a result, class activities included identifying relevant Hong Kong materials in the form of legislation and case law to be inserted into a Google Doc and then formatted for legal data collection and contribution to the CYRILLA project. Regrettably, there was insufficient time to finalise the contribution in class. Instead, the teaching team and research assistants completed the submission to CYRILLA after the class ended, having reviewed and edited student contributions for consistency and quality control.

## Digital(ised) and global(ised) law and legal education

Our case study foregrounds digitisation and globalisation/internationalisation of course design, tools, and content. These represent two key thematic solutions that respond[13] to debates on the failings of traditional forms of teaching and learning in HEIs in preparing (law) students for their post-degree careers.[14]

The course coordinator aimed to create, with the students, new digitised OER materials "provid[ing] the opportunity to increase the efficiency of legal education and offer greater access to knowledge of the law".[15] A survey of UK law students found that students also considered these online materials to be useful and valuable for their study.[16] Another early example of co-creation of digital resources by law students and their teaching staff from Australia found that the students considered their involvement to be a "valuable experience".[17]

Digitisation of legal education can equip law graduates with technology skills they will need in the modern workplace.[18] Additionally, digital methods can facilitate collaborative group-work in legal education, which is also a feature of the post-university workplace.[19] This contrasts with traditional legal education which has typically involved

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[12]"About CYRILLA" <https://cyrilla.org/en/page/jy0cpvu41mxklyye34joiggb9> accessed 26 July 2021.

[13]See eg Cormac McGrath and others, "Making the Case for Virtual Law Cases: Introducing an Innovative Way to Teach Law" (2020) The Law Teacher (forthcoming); Marcus Smith, "Integrating Technology in Contemporary Legal Education" (2020) 54 The Law Teacher 209.

[14]See eg Katherine R Kruse, "Legal Education and Professional Skills: Myths and Misconceptions about Theory and Practice" (2013) 45 McGeorge L Rev 7.

[15]Smith (n 13) 213.

[16]Alison Bone, "The Twenty-First Century Law Student" (2009) 43 The Law Teacher 222.

[17]MJ LeBrun and Lawry Scull, "Enhancing Student Learning of Law by Involving Students (and Colleagues) in Developing Multi-Media Teaching and Learning Materials" (2000) 34 The Law Teacher 40.

[18]Smith (n 13); Caroline Strevens, Christine Welch and Roger Welch, "On-line Legal Services and the Changing Legal Market: Preparing Law Undergraduates for the Future" (2011) 45 The Law Teacher 328.

[19]Smith (n 13) 49.

"law students . . . stud[ying] in relative isolation – required to write essays and sit long written exams".[20]

A variety of digital methods and tools have previously been used in legal educational contexts, especially in North America, Europe, and Australia. These examples evidence different implementations of blended learning, flipped classrooms, and tools such as blogs and podcasts.[21] One study of the use of a web-based environment in teaching Hong Kong law students found that it facilitated communication between the students and teaching team, but it supplemented rather than acted as a substitute for face-to-face classroom learning.[22]

Internationalisation was also a key element in developing our course and its resources. Internationalisation or globalisation has become an important feature of legal education in recent years, prompted by factors including changes in the legal profession (from globalised trade and communications), a mobile student population, and recognition by legal academics of the importance of comparative analysis.[23] Internationalisation of legal education can be achieved using information and communication technologies (ICTs) in teaching – combining these two themes of internationalisation/globalisation and digitisation, as we did in this course.[24]

Internationalised legal education is of great importance for Hong Kong.[25] Hong Kong has unique characteristics as a common law jurisdiction influenced by English law due to its status as a former UK colony. As a Special Administrative Region of the People's Republic of China (a civil law jurisdiction), it maintains its own legal system.[26] Hong Kong is an important international centre for trade, logistics, and finance which has led to an internationalised legal services market there, giving it a "unique status" which determines that "internationalisation of legal education is more important [for Hong Kong] than it is for most other jurisdictions in the world".[27]

The multinational make-up of the course's student body (which consisted of local Hong Kong and international exchange students from Australia and Europe) and the course's topic of Internet Law, an inherently globalised and transnational area of law, readily facilitated internationalisation of the course curriculum.[28] The international collaborations with external partners CYRILLA and QUT further enhanced this. For local CUHK students, these elements provided the economical yet culturally rich

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[20]ibid 210; see also Clifford S Zimmerman, "'Thinking Beyond My Own Interpretation': Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum" (1999) 31 Arizona State Law Journal 957.

[21]Smith (n 13); Barry Yau, "Reshaping the Teaching–Research Nexus: Connecting with Students through Research Blogging (with an Autoethnographic Perspective) Before They Become Lawyers" (2020) 54 The Law Teacher 261; Rachel Killean and Richard Summerville, "Creative Podcasting as a Tool for Legal Knowledge and Skills Development" (2020) 54 The Law Teacher 31.

[22]Wing Hong Chui, "The Use of a Virtual Learning Environment: The Hong Kong Experience" (2006) 40 The Law Teacher 59.

[23]Simon Chesterman, "The Evolution of Legal Education: Internationalization, Transnationalization, Globalization" (2009) 10 German Law Journal 877.

[24]Antoinette Muntjewerff, "ICT in Legal Education" (2009) 10 German Law Journal 669.

[25]Feng Lin, "Legal Education at a Turning Point: A Case Study of Hong Kong" in Christophe Jamin and William van Caenegem (eds), *The Internationalisation of Legal Education* (Springer 2016).

[26]ibid.

[27]ibid 153.

[28]Oreste Pollicino and Marco Bassini, "The Law of the Internet between Globalisation and Localisation" in Miguel Maduro, Kaarlo Tuori and Suvi Sankari (eds), *Transnational Law: Rethinking European Law and Legal Thinking* (Cambridge University Press 2014).

internationalisation at home experience.[29] The course incorporated laws and examples from multiple national jurisdictions thereby enabling all students, whether local or exchange, to increase their knowledge of other cultures, jurisdictions, and legal approaches, which may in turn be useful for their future careers involving multiple jurisdictions.[30]

## Theoretical framework

The theoretical framework we utilised is the "student as producer" pedagogical approach, which has its roots in Marxist and critical theory.[31] A challenge to the notion of the "student as consumer", it calls for the student to be fully engaged in their education and, through (research) collaboration with their teacher, produce new knowledge and meaning.[32]

Valuing the student's voice is an important component of the student as producer approach. Students are reconceptualised from being passive listeners who submit regurgitation of existing theory for assessment, to early stage scholars critiquing the existing theory through their unique lens and making possible contributions to the discipline. Traditionally, the assessments students submit remain limited in their utility and are rarely expanded into a scholarly contribution to the knowledge base. We argue students' classwork has untapped potential analogous to Shirky's discussion of digital interactions where users' skills and knowledge represent a "cognitive surplus" of ideas and potential products to benefit others.[33] Only through meaningful collaborations is that cognitive surplus able to be realised and therefore have an impact. For higher education, instead of assessments being merely a means to pass one class, students' ideas can be harnessed in the student as producer model to develop socially constructive forms of scholarship that could "potentially change the world".[34]

Shirky proposed four value forms of tapping into "cognitive surplus": personal, communal, public, and civic. These forms refer to the actors involved, the type of acts undertaken by the actors, and the beneficiaries of said acts. Applying this framework to the course, we incorporated all four value forms. See Table 1 for the specific activities conducted and evaluated in our case study.

Students may be most familiar with the personal value form through the use of student presentations which they are likely to have encountered in other classes. The incorporation of peer review allows students the chance to practise constructive criticism, and, through the exercise, reflect on their own strengths and weaknesses. The communal value form was the next easiest to apply, as law students are familiar with tackling problem questions in groups. Using a tool like Google Docs can facilitate communication among students and the teaching team, provide resources more readily, and provide a record of class discussions and conversations for subsequent use.[35]

[29]Jos Beelen and Elspeth Jones, "Europe Calling: A New Definition for Internationalization at Home" (2015) 83 International Higher Education 12.

[30]ibid.

[31]Neary and Winn (n 3). See also eg Walter Benjamin, "Author as Producer" (Address given at Institute for the Study of Fascism, Paris, April 1934).

[32]Strudwick (n 1).

[33]Clay Shirky, *Cognitive Surplus: Creativity and Generosity in a Connected Age* (Penguin Press 2010).

[34]Fatayer (n 3) 74.

[35]Angel Fan and Angela Daly, "Collaborative Writing in the Classroom" in Stefan Hrastinski (ed), *Designing Courses with Digital Technologies: Insights and Examples from Higher Education* (Routledge 2022, forthcoming).

**Table 1.** Class activities that tap into cognitive surplus value forms.

| Values | Personal | Communal | Public | Civic |
|---|---|---|---|---|
| Activities | Presenting on independent research topic and peer reviewing others' presentations | Problem-solving case studies through Google Docs | Wikijuris project | CYRILLA project |

Public and civic value forms have loftier goals in the scope of impact but can still be achieved. Our course benefited from the instructor's connections to the existing projects of Wikijuris and CYRILLA, respectively, but these are not the only type of projects that could be undertaken to achieve public and civic value. Be it written or oral, the public value can be achieved by enabling access to the general public, even globally through the Internet. To achieve civic value, the goal of the contributions produced by students must be focused on improving society. Volunteer initiatives by students focused on aiding disadvantaged populations are one such way and could be incorporated into a course to encourage this virtue in students and have them develop relationships with the community. Through these value-focused activities, students experience applying what they have learned in a meaningful and socially constructive way.

To encourage active engagement, our case study incorporated the flipped classroom technique.[36] The flipped classroom is a particular form of blended learning, incorporating digital technologies with traditional face-to-face teaching as delivery methods in a way which retains the primacy of the teacher as subject-matter expert and guide but expects students to actively participate in, inter alia, student-activity-led and teacher-facilitated workshops or seminars rather than traditional lectures during class time.[37] The incorporation of digital technologies in flipped classrooms has previously aided teaching staff in conveying examples of legal concepts, as well as enhanced communication between students and the teaching team.[38] Additionally, in our case it also enabled guest lecturers to virtually present and expose students to new mediums for them to build their presentation skills. To develop independent learning and create "students as producers" in this course, we utilised a scaffolding approach whereby the teaching team provided students with guidance but we decreased the amount of input over the course of the semester. Our intention was to build confidence among students to pursue their inquiries and begin to produce their own unique and independent work.

## Methodology

To evaluate the student as producer approach using internationalisation and digital tools in teaching this Internet Law class, we used a mixed-methods design conducting field observations, and administering a survey supplemented by qualitative interviews with the students. We used a survey of 5-item Likert scale-style questions on students' level of agreement[39] with statements regarding the course coordinator, the teaching approach, course content (especially the internationalised aspect), activities (e.g. guest

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[36]Jonathan Bergmann and Aaron Sams, *Flip Your Classroom: Reach Every Student in Every Class Every Day*. (International Society for Technology in Education 2012).

[37]Kylie Burns and others, "Active Learning in Law by Flipping the Classroom: An Enquiry into Effectiveness and Engagement" (2017) 27(1) Legal Education Review Article 14.

[38]Peter Sankoff, "Taking the Instruction of Law outside the Lecture Hall: How the Flipped Classroom Can Make Learning More Productive and Enjoyable (for Professors and Students)" (2014) 51 Alberta Law Review 891; Lutz Christian Wolff and Jenny Chan, *Flipped Classrooms for Legal Education* (Springer 2016).

[39]1 = strongly disagree, 2 = disagree, 3 = neutral/no opinion, 4 = agree, 5 = strongly agree.

lectures), and career skills preparation. There was a total of 26 questions. The survey was thrice administered during the class break time to capture as many of the 28 students in the course as possible. Fourteen students ultimately agreed to participate, giving us a 50% response rate. We conducted follow-up interviews to gain more in-depth understanding of students' perspectives. To ensure student anonymity, no identifying information was linked with the surveys, and on a separate sheet at the end of the survey, students could indicate whether they would be willing to be interviewed more in-depth regarding their opinions about the course. A research fellow, who was not involved in teaching the class, administered the survey and conducted the interviews with students. The survey included demographic questions concerning gender,[40] whether the student was on an international exchange, and whether English was their first language.

As the survey was administered towards the end of the term, many students were already transitioning to their summer plans (i.e. working off campus for local students and heading back to their own country for international exchange students). Though four students expressed interest, ultimately only two students attended and participated in a follow-up interview: one was a local CUHK student, and one was an international exchange student. Both identified as female. Open-ended semi-structured interview questions allowed the interviewer flexibility to explore other relevant topics with the interviewees, but still maintain the comparative basis with the survey. The interviewer recorded and transcribed the interviews, and then coded the transcriptions for thematic analysis. We acknowledge this small sample size of interviewees is a limitation of our research. However, we use their responses to deepen our understanding of the survey results, rather than bringing their views to bear on new topics.

## Results and discussion

Our survey sought to understand the class's broad views on whether they liked or found the course and student as producer approach useful and whether there was any difference in response between different demographic groups. We gained more detailed qualitative data from the observations and interviews.

The survey results showed class perceptions of the student as producer approach were mostly positive and agreeable. Comparing female students to male students, there was a statistically significant difference[41] on how they responded to the following survey items:

(A) "I found the content delivered by the guest lecturers useful for understanding legal issues in internet law."
(B) "Group exercises are helping me to build problem-solving skills."
(C) "The research paper assessment is strengthening my legal research skills."

For A, two of the five male respondents disagreed (selecting "2") with the statement, resulting in a group median of 3 (neutral). Female respondents had a group median of 4 (agree).

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[40]To reflect the recognition of non-binary gender identities, the gender identity question included the following responses: Female, Male, Non-binary, Other, Prefer Not to Say.
[41]At the .05 level. Specifically, p-values were .046 for A, .014 for B, and .037 for C.

For B, the group medians were again 3 for males and 4 for females. This time, the lower agreement level among males was particularly skewed by one student selecting "1" (strongly disagree).

For C, the group median for males was 5 (strongly agree) and 4 (agree) for female respondents.

Overall, male students tended to select more emphatic responses (i.e. strongly agree or strongly disagree) to statements concerning individual/independent tasks they performed, as well as the instructor's conduct. The latter is in line with Rolls' findings, where male students were focused on the course coordinator's specific teaching strategies, compared to females who emphasised positive attributes regarding the knowledge and disposition of the instructor.[42] Student A, a female local CUHK student, exemplified this in her comments about how helpful and detailed the course coordinator's feedback was for their open access textbook-related work.

Differing perspectives between groups based on whether a student was an international exchange or local student were statistically significant[43] concerning two statements about the course coordinator and one about the research paper assessment:

(1) "The professor is providing me enough guidance to do my assessments."
(2) "The professor is encouraging me to contribute my ideas."
(3) "The research paper assessment is strengthening my legal research skills."

For all three items, the group median for international exchange students was 5 (strongly agree) and 4 (agree) for local CUHK students. This was due to some of the local CUHK students scoring 3 (neutral) and for statement A, 2 (slightly disagree). These survey responses suggest international exchange students were slightly more responsive and engaged in their evaluations of the course coordinator and research assessment. The interviews illuminated possible reasons for this difference in responses among the groups.

The interviews revealed that international exchange students were more active participants (i.e. verbally contributing ideas during class) than local CUHK students due to many CUHK students feeling shy, uncertain how to express their ideas, or feeling that it was rude to interrupt the instructor with their questions and comments. These findings may indicate a cultural difference where Hong Kong students held themselves back from fully engaging in the course and may relate to East Asian-based cohorts' preferences for continued and explicit encouragement of participation.[44] One potential technique that could be employed by the teaching team to address this is to call on students who have not spoken up to offer a response and/or question.

There was no significant difference based on whether a student's first language was English or not.

We explore the research results in more detail here, grouped under the themes of internationalisation and collaboration, active engagement, broad contributions, and practical knowledge. We also note the main challenges that arose in the course. We

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[42]Judith Rolls, "Gendered Evaluation Responses to Experiential Learning as an Adjunct to a Basic Communication Skills Course" (1997) 22(1) Canadian Journal of Communication. https://cjc-online.ca/index.php/journal/article/view/975, accessed 26 July 2021.

[43]At the .05 level. Specifically, p-values were .046 for A, .030 for B and .037 for C.

[44]Janene Biggs, "Approaches to Learning in Secondary and Tertiary Students in Hong Kong: Some Comparative Studies" (1991) 6 Educational Research Journal 27; Carol Chan and Nirmala Rao (eds), *Revisiting the Chinese Learner: Changing Contexts, Changing Education* (Springer 2010).

draw on qualitative data from the participant observation field notes, survey responses, and interviews.

## *Internationalisation and collaboration*

The incorporation of an internationalised curriculum and use of digital tools were the primary means used to provide students with content and the means to access material. The course coordinator used international and comparative examples to cover issues that were either not covered or not fully addressed in existing Hong Kong law.

The majority (9 out of 14 students) perceived the internationalised content positively. Both interviewees appreciated the course coordinator's guidance on how to relate the international examples to the Hong Kong context. Student B (the international exchange student) specifically noted:

> Oh yes [the class helped with my career goal/plan]. Because a lot of Australian companies – like their way of getting into that Chinese market is through the Internet – that's kind of like their first base where a lot of Chinese customers can access products. So I feel like with this course it can actually . . . it helped me understand how people would actually go about setting their websites and how they would go about doing things in Hong Kong and China.

Student B's experience speaks to the primary motivation for students to attend an international exchange programme. For local CUHK students, having international exchange students in the course provided opportunities to learn about other national jurisdictions so that the class as a whole could effectively discuss, compare, and critique different approaches, thereby facilitating internationalisation at home for these students.

The interviews offered nuances on the presence of international exchange students in class. Student A conceded that she and her fellow classmates did not interact frequently with the international exchange students, and primarily benefited from their responses when they answered directly to the teaching team about their home jurisdictions. This is also reflected in Angel Fan's field notes taken during the classroom observations which noted an absence of vibrant verbal exchanges during class discussions, especially between the local and international exchange students.[45] However, students' input and interactions in the Google Docs compensated for this: the observer, Angel Fan, noted that by responding to the discussion questions posted by the course coordinator, the students utilised prior and newly acquired knowledge from reading materials and lectures, contributing their own interpretation, editing their classmates' input while scaffolding their own knowledge and co-creating new knowledge. This was not visible in the physical setting but illustrated on the screen where Google Docs were projected during class to be seen by all. Hence, the choice of Google Docs was apt and effective in facilitating class discussions in written form through a comparatively open space that was accessible to the students and the teaching staff both inside and outside the classroom.

When using Google Docs, students were able to remain anonymous in their interactions with each other and the teaching team. This was done to reduce the pressure for contributing perfectly articulated comments and thus allow for an organic process of sharing ideas and questions in the virtual discussions. It was not clear whether the anonymity of Google Docs contributors reinforced or detracted from the observation

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[45]Angel Fan conducted the classroom observations on behalf of CUHK Centre for Learning Enhancement and Research (CLEAR) as part of the university-wide Internationalization of Curricula initiative.

that the local and international exchange students did not frequently interact physi-cally. From field observation, it was impossible to distinguish which specific material was contributed by local or international students. It was highly possible that the interaction was experienced but not explicitly known by the students themselves.

### Active engagement

Though the students felt actively engaged in their learning more through the pursuit of their individual research projects, the group activities and even guest lectures galva-nised some students, such as Student B, to engage in independent research.

Students were given multiple opportunities to learn skills such as researching and communicating their ideas and arguments. Through the repeated application of these skills, the students began to develop confidence in using them. Both interviewees shared how the oral presentation of their research paper proposal was a beneficial experience as they had to consider how to clearly express their thoughts and communicate information that was unknown to most of their classmates. By having to "teach" their classmates about their chosen research topic, their understanding of the material deepened.

The teaching team, however, had to stimulate students' active engagement and peer responses to students' research presentations. In one of the post-lecture discus-sions between the observer and the course coordinator, the observer noted that during presentations, the audience did not always pay much attention to the presenting student and initially they did not ask many or any questions of their peer. In order to encourage students' participation, the course coordinator was advised to instruct the audience that one of them would be randomly invited to ask a question after each presentation. This explicit instruction may be unnecessary in classes where students are already active, participatory, highly engaged, and collaborative. The students were more active during lectures from the teaching team and guests, and in the class activities, but not during their peers' presentations. Students needed to be made aware that they could learn from each other's work in progress and to give their peers valuable advice by paying attention to detail, looking for possible loopholes in the argument or giving compliments for well-researched work. Asking questions can certainly be a form of peer support to show that the audience is engaged and interested in their peers' work.

Sharing one's contributions with a wider audience means that the potential for value spreads.[46] The students did communicate to broader audiences virtually through their collective contributions to the Wikijuris OER textbook and the CYRILLA project. One limitation of our course was that the opportunity for more public presentations by students did not present itself due to constraints of time and resources. For the students, as future lawyers, their potential clients will likely come from a variety of backgrounds. Thus, experience in communicating to a variety of audiences coupled with exposure to the cultural and jurisdictional knowledge of other countries can prepare students to be flexible and adaptive global scholars and practitioners.[47]

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[46]Shirky (n 33).
[47]For further discussion on the impact on students' employability from the "student as producer" approach, see Rebecca Jones and others, "Being a Student as Producer – Reflections on Students Co-Researching with Academic Staff" (2012) 4(3) Enhancing Learning in the Social Sciences 1.

### Broader contributions

The course's group activities led to various contributions beyond the course itself, demonstrating the student as producer approach. Both the textbook and CYRILLA project contributions provided up-to-date information on Internet Law in Hong Kong for audiences beyond the students. Student A expressed her excitement and nervousness in contributing to CYRILLA stating that the "work has meaning", was "special", and was personally rewarding.

The impact of this work in benefiting society was nevertheless daunting for the students. They felt their work would not be of high enough quality to be worthwhile. The course coordinator assured students that their work would be edited and checked for accuracy and quality. She also scaffolded these activities with initial focused question prompts for students to answer, through which their contributions would emerge. This method was beneficial as the specific and limited form made it more accessible and feasible for students. However, the connection with, and meaning of, the students' work in contributing to beneficiaries was not readily apparent. Student B confided that she had thought the work only related to the Wikijuris project and that she "couldn't really find any concrete connections with the actual CYRILLA project".

This points to a limitation in the project: the course coordinator had been too ambitious in incorporating too many activities and too many external partners as beneficiaries of the student as producer approach in the course, which resulted in confusion about the future utility of the students' work.

### Practical knowledge

The use of digital classroom tools increased students' digital literacy while they researched for scholarly information. The problem-solving activities prompted students to think of creative interpretations and solutions as they collaborated with each other. Critical thinking and communication are skills typically associated with successful legal careers and were well reflected in the students' expectations and evaluations of the course. A large majority (93%) of students agreed with the statement that the research paper assessment strengthened their legal research skills.

The interviews did reveal the general perspective of law as an academic field and occupational practice primarily involving research, writing, and problem-solving. The students interviewed described how the course activities strengthened their research skills and that these skills were useful for their future careers.

As mentioned earlier, the course coordinator adopted a scaffolding approach to aid students in becoming independent researchers. Students drove the latter half of the course, where they worked in teams and taught each other about certain concepts from the readings. The survey and interviews showed a somewhat mixed reception to this by students. While a majority understood this structure's purpose and how it helped them with building skills, there were a few students (all male) who wanted more guidance from the course coordinator. The findings on the differences between male and female students reflect Rolls' assertion that male students tended to focus on individual teaching practices of the teaching staff member.[48]

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[48]Rolls (n 42).

Insight from the interviews revealed that the students did find the professor attentive, knowledgeable, and offering helpful feedback. The students, however, initially were somewhat confused by the non-traditionally structured course activities. Both Student A and Student B commented that they were unsure how certain guest lectures or the collaborative projects connected with the course material. Still, they acknowledged how these activities increased their breadth of knowledge, aided them in their research paper, and encouraged them to learn independently.

The students appreciated the more internationalised aspects of the curriculum but wished there was more included about the Hong Kong experience. Student A had professed their goal about wanting "to do [a research paper on] something [where] I can contribute my ideas [on] how HK is going to change [perhaps through] some comparative analysis". With the absence of significant legal materials from Hong Kong in Internet Law, and the "spillover" of other jurisdictions' laws into Hong Kong, such as the European Union's General Data Protection Regulation, the discussion necessarily had to be embedded in cross-border comparisons. This aspect made the course fitting for applying the student as producer approach and spurring students to be creative, adaptive, and critical thinkers on how the law should approach situations involving the Internet.

In this manner, the course coordinator utilised the communal activity value form[49] so that students could collectively inspire and challenge each other in fleshing out their conceptualisations. Most of the class agreed (79%) that group exercises helped with building problem-solving skills, a promising outcome given many of the group exercises specifically focused on solving a problem together. The interview comments also offered promising feedback on the usefulness of encouraging collaboration within the courses by emphasising how it aided students' communication skills, a necessary skill for those seeking to become legal practitioners.

### *Limitations and challenges*

The main challenges students observed in the course were language barrier issues, confusion over how certain activities related to the course material, and the perception that there was too much focus on the research paper at the expense of other class activities.

The students in the interviews perceived language barrier issues between local CUHK students and international exchange students. They mentioned this as the main reason the interaction between local CUHK students and international exchange students was minimal without direction from the teaching team. Even when the teaching team intervened to form groups of local and international exchange students, Student A revealed that the students would self-delegate the work, work independently, and then at the end compile their answers together. Student B noted they found it difficult to follow answers from local CUHK students due to them using a different sentence structure. Student A admitted feelings of difficulty in expressing their ideas to the international exchange students.

Their concerns notwithstanding, most of the oral presentations did not indicate that any student faced a serious language barrier issue expressing themselves in English. In order to build closer relationships and trust among student cohorts, a recommendation

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[49]According to Shirky (n 33), this involves idea expression by a small group to benefit said group.

for future courses would be an ice-breaking activity at the beginning of the course that encourages the students to interact outside their existing social circles and to learn about other students' cultures. The interviews revealed that the students hardly knew each other's names, let alone their backgrounds. Facilitating this kind of interaction would be optimal in deepening the internationalisation experience in multinational student cohorts.

A more focused approach may address student confusion as to how different class activities directly related to the course material. Rather than working with both the Wikijuris OER textbook and the CYRILLA project, selecting one activity, objective, and/or external partner for this course could have led to less confusion, and more clarity and focus for the students. The students, being used to the traditional pedagogical format, may have benefited from more scaffolding including the prefacing of activities or guest lectures by the teaching team with explicit statements on the activity's intent and objectives. A class discussion can then follow the activity, reflecting on the experience, what was learned, and present an opportunity for the students to ask questions. In line with the scaffolding approach, the discussions can be increasingly student-led in the latter half of the course.

The encouragement of creative thinking by the teaching team can assist with the challenge presented by students' perceptions of the undue focus on the research paper at the expense of other class activities. This perception suggested that students may not have been aware of institutional constraints and rules about the administering of their assessments. These constrained the course coordinator, who had to ensure that the course – while innovative and experimental in many ways – and its assessments conformed to what the institution recognised as permissible assessment activities. In practice, the regulations led to a focus on the final research paper for assessment purposes.

The course coordinator also identified certain challenges and limitations in the preparation and execution of the course. Introducing innovative approaches to legal education and partnerships with external organisations required additional time and resources. While the course coordinator obtained additional funding to support these innovative approaches, she still had to invest a significant amount of her own human resources in the form of her time before and after each class, which meant she had less time for other academic activities, e.g. research. The topic of the class, Internet Law, is the course coordinator's own area of substantive research so she was already familiar with research gaps and existing academic and policy literature. Implementing innovative approaches would have been more challenging and resource-intensive for a course where she had less subject-matter expertise. Further challenges arose from the need to monitor students' in-class interactions on Google Docs, whereby the course coordinator had to give real-time feedback on their activities orally in the classroom and virtually on the platform, which was highly cognitively demanding. However, the use of Google Docs facilitated post-activity feedback from the teaching team after class hours, compensating for any shortcomings in the in-class feedback and discussions. This also allowed students who were absent on the day or for those who needed to revisit the discussion to look at the version history of the Google Docs pages to acquaint themselves better with topics discussed in class. Still, the delayed feedback also meant more time and effort on the course coordinator's part. Ironically, adopting a student as producer approach can involve a lot more input from teaching staff than conventional "student as consumer" approaches to teaching and learning. However the student as producer approach ought to follow Walter Benjamin's proposal – these contributions

are to ultimately benefit society.[50] Staff can also benefit from open collaboration between them and students/apprentices which can yield inventive and unique ideas and tools with practical use, as well as inject diversity and advancement in the academic and social consciousness.

Although not a limitation experienced in this course by the teaching team or students, access to digital tools and resources may be a challenge for those seeking to replicate this experience in their own classrooms. Every student in this course had their own laptop and, via the CUHK Library, access to high quality resources including academic and legal databases. While we produced OERs through our collaborations, we did so by accessing information on our own devices which was behind paywalls and may not be accessible to students in institutions which cannot afford subscriptions to these databases or by students who cannot afford their own electronic equipment. Furthermore, students with weaker skills in the dominant language of instruction and research (here, English) may find it difficult to participate in such activities. Internationalisation of curriculum and internationalisation at home may be more challenging to execute with a monocultural or homogenous student cohort: in this course, experiences shared by international exchange students about their home jurisdiction allowed for ease in comparative analysis. The concept of internationalisation at home exposes students to cultures they are unfamiliar with and so the inclusion of media and guest lectures from other national jurisdictions could yield rich discussions in these contexts as well.

A final limitation is the fact that the course coordinator left CUHK at the end of the academic year in which this course ran and so was not able to continue developing the student as producer approach in future cohorts. She was not able to implement insights gleaned from this cohort in future iterations of the course but has implemented aspects of the approach such as using Google Docs for student collaborations in her current institution. Other CUHK courses have implemented learnings from internationalised aspects of the course through the collaboration with CLEAR.

## Conclusion

Preparing law students for a globalised and digitalised twenty-first-century society and economy requires incorporating new skill sets, especially technology-related, and providing students with opportunities for thinking flexibly, creatively, and adaptively in addition to critically in their teaching and learning. In our case study of a blended classroom, we used a scaffolded student as producer approach incorporating digital tools (notably Google Docs) and international approaches to foster globalised and digitalised students in our Hong Kong law classroom. Overall, we accomplished this successfully, with positive feedback from the students and staff as regards the internationalised, digitalised aspects of the course and practical skills that the students gained.

In our current context of COVID-19 pandemic disruptions to face-to-face teaching activities and international travel, internationalisation at home and digital tools have increased in prominence, and these trends are likely to continue, especially with the prospect of more permanent limitations on academic mobility as a climate change mitigation measure.[51] While digital tools will likely become more and more prevalent in

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[50]Benjamin (n 31).
[51]See Robin Shields, "The Sustainability of International Higher Education: Student Mobility and Global Climate Change" (2019) 217 Journal of Cleaner Production 594.

the classroom (whether physical or virtual), ensuring internationalisation in more homogenous or local student cohorts may be more difficult to achieve than in our case study, which benefited from a highly multinational student and staff cohort. Nevertheless, we show that fostering active participation and encouraging autonomous comparative research through the student as producer approach can foster independent, adaptive, and productive global legal scholars.