Introduction

This report documents the IATL funded 'Orders in Decay' podcast project, which invited students taking the *Law and Disorder* module produce a 'podcast' as a part of their assessment. The best of these podcast are then to be released publicly. While podcasting is not uncommon as a way to deliver lecture material,[1] it is more uncommon that students would be encouraged to produce a podcast.[2] The benefits of this mode of assessment flow from engaging the student in the knowledge-production, engaging students in the 'encounter' of an interview with an expert, engaging their affective power as writers/producers, and shifting their perspective on listenership. The podcast invites students to think about the key techniques of analytic thinking from a fresh perspective. While preserving traditional essay-based skills (putting ideas together, gathering materials and presenting them in a convincing manner), the podcast places a far greater emphasis on affecting an audience and mediating academic research to a broader audience.

There are two different approaches to podcasting as an assessment tool: On one side we have attempts to produce genuinely curated digital materials,[3] and on the other are those projects that are essentially recorded presentations or group work. While I acknowledge that podcasted student presentations can be very useful for managing presentation related anxiety or assuaging concerns of external examiners (who will often be nervous if they do not have access to material that forms a significant part of a modules grades), its pedagogic value is ultimately very similar to a presentation. To require students to produce a fully curated sound experience for a listenership, is a qualitively different task. It requires significantly more planning and input from the lecturer, more time and energy from the students. But at the same time, it holds out the potential to provide a transformative educational experience for the students. This project is distinguished by its desire to go beyond a simple idea of the podcast as a recorded presentation. The podcast should try to affect the listener to such an extent that they will continue to listen. This is important for two reasons: In a narrow sense, the podcast seeks to escape extant genres of assessment of the academic essay and the presentation. In a broader sense, however, I want to suggest that the podcast can refocus assessment, by shifting the relationship from teacher-student-examiner, to interview-producer-audience. In other words, by encouraging students to produce work that could be published and might reach broader audience, we can change how students think about their literary and academic production, encourage an experimentation with the genres of analysis to best affect that audience.

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[1] Watkins, D, 'Podcasting: A Lawyer's Tale,' 44.2 *The Law Teacher* (2010), 169. Beck, R, L, 'Teaching International Law as a Partially Online Course: The Hybrid/Blended Approach to Pedagogy.' *International Studies Perspectives* (2010) 11, 273–290. Cartney, P, 'Podcasting in an Age of Austerity: A Way of Both Enhancing Student Learning and Reducing Staffing Costs? British Journal of Social Work (2013) 43, 446–466. Polding, L, 'Delivering Blended Legal Learning by Open Source Methods', *Journal of Information, Law and Technology* (2007).

[2] Hopkins, E, 'The potential value of student created podcasts as assessment tools in higher education', *Educational Futures,* 5.1 (2012) 43

[3] Moryl, R.L. (2016) 'Pod learning: Student groups create podcasts to achieve economics learning goals' The Journal of Economic Education Vol 47 No1 64-70

The Project: 'Orders in Decay'

The project was based on the *Law and Disorder* module at the Warwick Law School. This was already quite unusual in the law department, both in form and substance. 'Law and Disorder' describes no established legal sub-discipline, and so the module sets about constructing a new field of study. The module description reads:

> The aim of the module is to think about what happens when the everydayness of law's order is shaken, when habitual obedience to law is interrupted. The module focuses upon the question of disorder by cutting across the traditional legal sub-disciplines, combining aspects of domestic criminal, constitutional, human rights, international and transnational hard and soft law. It is thus a practical and theoretical introduction to the question of 'the law of disorder'.

It examines questions of protest, human rights and policing, constitutional questions of disobedience and revolt, the state of emergency and paradigms of exceptionality, and then after the event of disorder the question of transitional justice and other paradigms of re-establishing 'order'. At the same time that it played with the sub-disciplines of law, the module also sought to develop a different skill set to conventional legal modules.

> The module is designed to prepare students for careers in the global human rights, humanitarianism and transitional justice industries, as well as domestic legal organizations that deal with policing, social exclusion and inequality. In these fields a familiarity with how to affect people, rendering difficult and complex ideas in a way to is understandable and convincing, is essential.

In this sense, the podcast is a perfect fit for the module as it encouraged students to think about audiences, to develop different genres of writing to best fit the audience addressed.

The podcast assessment was piloted in 2015-16 with seven students and in 2017-18 it was taken by all thirty one students on the module. The students were asked to produce a podcast of approximately 20 minutes on a subject relating to the module. The podcast was worth 50% of their grade, with the other 50% coming from a reflective diary that had to contain all the students signed consent forms, license agreements for the music and sounds they used, and at least one reflection on the production of the podcast alongside reflections on the other parts of the module. The module was designed to run across ten weeks with a two hour lecture and a one hour seminar. The two hour lecture/workshop focused on the substantive subjects that the module covers: riot, protest, policing, exceptionality, transitional justice. The seminar examined issues that students might have with the production of their podcast. This included careful attention to how to choose a good topic, that would be interesting to an audience, but not over-broad; a number of sessions on research ethics, including working through the University ethics forms together; questions of how to affect an audience; the hook in the first three minutes of the podcast; and how to create a convincing soundscape across the entire piece of work. Unfortunately, despite extensive planning, the second half of the module was significantly disrupted by strike action and an adverse weather University closure. While the project continued with some wonderful results, it was hampered by the disruption.

The IATL fellowship and pedagogic intervention grant allowed us to bring in Lisa Heledd-Jones and Iain Peebles from Storyworks UK. They organised two training sessions which ran parallel to the lectures and seminars. For these, the class was divided into four groups

and each group received a three-hour training session in weeks 2 and 4. The first training session covered alternative forms of story-telling and interview techniques. The second focused on the skills necessary to edit the interview materials that the student had begun to collected. As module convenor, I audited a number of these seminars, developing the skills to undertake some of the essential training in subsequent years, and with a view to producing a podcast myself. One of the key elements of this experiment was that I volunteered to produce a podcast alongside the students. This was important because, unlike the genre of academic writing, a podcast required a new set of skills that were not necessarily familiar. By undertaking the exercise alongside students, the aim was to understand the pitfalls and possibilities of the exercise, thereby putting me in a better position to mark the work that was produced. Equally, the hope was that by seeing the module leader struggle with similar issues, the students would gain confidence in their work and in the process itself. Unfortunately, this was one of the plans that had to fall by the wayside because of the UCU strike action.

Teaching how to Podcast

We set the expectation at a high level, students would be expected to produce a genuinely curated podcast, with overlaying narratives and a complex soundscape. However, the students generally come to the module without any relevant experience. Thus, it was important to provide significantly extra support to help them to develop the requisite skills. While they generally had never done anything like this before, students displayed a very high level of digital and affective literacy. It was very important to draw out this intuitive understanding. In terms of the necessary skills: there were technological and software issues; and difficulties with the research and production. I want to suggest that only the first of these should be of any worry for lecturers in Warwick who are interested in developing this as an assessment method.

Technical Issues

Perhaps the greatest difficulty with a roll-out of this type of assessment in other modules in Warwick and beyond, is a basic lack of familiarity with the hardware and software necessary to produce a podcast. In *Law and Disorder*, students used our lapel mics with their phones to record high quality audio, when interviewing experts in person and to record their analysis and narration. Skype interviews were recorded using specific software: 'QuickTime' (Mac) and 'MP3 Skype Recorder' (PC). It would be feasible to use the microphones on most modern smart phones to record the narration, as most of the interviews were undertaken via skype. However, the law school invested in 20 Rhode lapel-mics which improved the audio quality of both the in-person interviews and the narration.

More challenging than recording the interviews, were the skills necessary to edit the material. We used 'Audacity' – an open-source cross-platform audio editing suite. While the basics of this software are not difficult to learn, it does take some amount of support to master. Thus, if there is interest in running this type of assessment in other modules, I would suggest in the short term, either getting support from Storyworks UK or perhaps auditing my seminars. If there is interest in other departments, it might be worthwhile considering whether ITS might be able to provide training and support, either through a particular software officer, or by facilitating a user-group where mutual support might be gleaned. As an open-source programme, Audacity does have a number of random bugs. The biggest repeated problem was the corruption

of files. Thus, it was essential for students to save their projects in multiple files, rather than simply saving the same file over and again. Because if they saved in the same file over and again, and that file became corrupted, all of their work would be lost and it would then be necessary for the student to begin again.

Selecting and Developing an Idea

The first issue for the students was their topic selection. In order to ensure the students had sufficient time for ethics and interviews, I insisted that they should have their broad topic selected by week 3 and their specific idea by week 5. This was to ensure that they would have sufficient research done to submit the ethics application before reading week. In the coming year, I will move this back by a week to give greater time for interviews. This will put more pressure on students in the early weeks of the module, however, it does mean that less work should be needed later when pressure comes on from other assessments. The problem with this approach is that students are forced to choose their research topic without hearing lectures on the majority of the subjects covered in the module. Unfortunately, this is unavoidable in the context, and I feel that it is better to force the issue early, and provide more space for students to develop a podcast of which they can be genuinely proud.

It was essential to work closely with the students to ensure that all ideas were equally feasible. In class I undertook a number of exercises to support the students in choosing and firming up their ideas. Students who had specific ideas were paired, and they each pitched their ideas to each other with a view to firming them up and gauging how interesting they might be as a podcast. I worked more closely with students who had not yet found an idea, encouraging them to think about any interest they might have in particular parts of the world, extra-curricular activities and interests: what literature, art, TV, sport, film, poetry in which they might have interests. The key here was to connect these interests with fields of research. Thus, one student produced an excellent podcast on political cultures of football supporters. My suspicion that students would be more likely to commit to projects with which they had a genuine connection, was largely borne out by the podcasts. I encouraged everyone to do a short burst of research on their rough topic, pretending as though they had an essay due next week, and then to see me during in my office. These appointments operated as individual supervision sessions.

I had also prepared a number of different potential subjects – particularly well defined issues where I was familiar with the research in the field and which would make interesting stories for a podcast. However, students followed their interests and with one or two exceptions, all had settled upon their topic within a matter of weeks. There were a small number of students who chose subjects that would not be relevant to the module, these were gently steered towards different questions. Once the topic was selected, I insisted that students stick to it, and find out the interesting material. To allow shifts would disadvantage the student and would make the ethics process unworkable.

Ethics

Once topics were selected, we began to work on the ethics process. Unlike a number of other departments at Warwick, the Law School requires a full ethics application for all undergraduate research projects. This is the case even when the student is interviewing an expert about their field of expertise and where the project is primarily pedagogic. This adds additional time pressure to the process, particularly once it became clear that the UCU strike would significantly disrupt

the module. The flipside of this was that there is a significant benefit in covering research ethics, as it does not currently find a place in the UG law curriculum (aside from as 'good academic practice'). Students were required to produce a Consent Form, an Information Sheet and a full HSSREC application. Because each student was undertaking similar activity (interviewing of academic about their research, with similar selection criteria, in Warwick or via Skype, and all subject to the same consent, copyright and licensing considerations) a good deal of these forms could be filled in by the module convenor, with the students adding their description of their project, and various other details.

Affective Communication

In their first parallel session in week 2, Storyworks brought the students through alternative approaches to narrativisation. They listened to a number of different styles of podcasts in advance, and these were then discussed in the seminar (The Heart Radio, The Inquiry, etc). In my seminars we also listened to a number of podcast excerpts (Radiolab, The Memory Palace, etc.). We broke these down, identifying the shifts in narrative, pacing, tone, narration, use of experts, the 'hook', the world that the podcast tried to create, and the soundscape that made this effective. We payed particular attention to the images and feelings that the producers sought to evoke. A number of key points were drawn out in this session. Beyond a general sensitisation to production process and affective communication, it was important for students to realise the need to avoid instructing the audience what to feel ('this is sad', 'you should see this as a happy event'), and the dangers of over-blown emotional content and sound effect which we quickly understand to be manipulative. It was important that students began to think about the tone and subtext of their communication, as well as the ideas. In subsequent weeks we doubled back through much of this content, thinking in greater depth about soundscape, affective communication, narrativisation, etc. However, again, this process was hamstrung by strike and weather-cancelled classes.

Copyright & Licences

In terms of the soundscape, the students were instructed to use the Free Music Archive. This is 'an interactive library of high-quality, legal audio downloads'. Their site explain that: 'Every MP3 you discover on The Free Music Archive is pre-cleared for certain types of uses that would otherwise be prohibited by copyright laws that were not designed for the digital era.'[4] The archive uses creative commons licenses. Students could use music with a 'Non-Commercial', 'Share Alike', or 'Attribution' license. The only music that could not be used without the express consent of the musician was 'No Derivatives' or 'FMA Limited' licenses. In class we discussed these limitations, and the type of license that they needed to secure. There was one student who used copyrighted material without securing the rights. This meant the podcast could not be considered for publication, and marks were deducted to ensure a level playing field.

Some students decided to go beyond this basic material to get further material for their podcasts. One sought to use an extensive archive of material from a Kenyan national broadcaster on post-election violence; Another student managed to secure copyrighted material of a riot from Vice News. In both instances, students went above and beyond what might

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[4] http://freemusicarchive.org/about

ordinarily be expected to find distinctive and interesting material that helped them tell their stories.

Future Plans

In coming years, when the IATL grant is no longer available to bring Storyworks to teach the training sessions, it will be necessary to bring a significant amount of that material into the conventional teaching time. The material covered by Storyworks will be divided into two. The technical support in developing the editing techniques will be covered in one of the two hour lecture slots. This does take some time from the substantive subjects, but it is unavoidable. The modes of narritivisation and storytelling will be rolled into the seminar schedule. The seminar schedule will look more like this:

1. Choosing your topic
2. Research Ethics
3. Ethics Forms
4. Interview Skills
5. Reading Week (review of plans)
6. Affecting an Audience
7. The Hook
8. Music
9. The Soundscape

The podcast series will be launched in early term 1 of next year. I am currently in conversation with the students to support them to put the finishing touches on the podcasts. It will be launched on iTunes and on the new site www.ordersindecay.com (please note this is currently only in draft form). I am also in the process of completing an academic article on the experiment, entitled 'The Podcast Potential' for publication in *The Law Teacher*.

Evaluation

It has been very difficult to evaluate the success or otherwise of this project. The problem is that the UCU strike and the adverse weather meant that all but one of the *crucial* second half of the module was cancelled. While Lisa from Storyworks and I both provided individual feedback to the students once the strike had ended, including detailed editorial comments on drafts up to a week before submission, it was not the same as the material that I would have covered in the missed lectures and seminars. At the same time, the industrial action lead to a very significant backlog of other research and administrative work, and it has taken many months to catch up with this material. This has delayed the publication of the podcasts and frustrated more extensive survey of the students' views. What feedback I could gather, confirmed my impression that the students felt that the strike significantly disrupted the planned module format. As one student put it: 'the strike messed everything up'. The previous IATL Pedagogic Intervention identified a transformative potential in the production of the podcast. 'The process of creating a podcast, speaking (to a public) with their own voice and investing themselves in a research topic, proved a very personal experience. A number of students subsequently spoke to me about changing their career plans, particularly with an eye to activism, advocacy or academia.' I am not convinced that

this run of the module has reproduced the same level of transformational potential because of the disruption to the module.

Instead of feedback then, we can look at the material produced by the students, and here the story is much more heartening. The students performed to an exceptional standard. A number of the podcasts were of a professional standard – one of which I include alongisde this report, and half of the students produced excellent work. The other half were very good, indeed, although perhaps not quite of publishable standard. The greatest pitfalls for students tended to be around their soundscape and structuring of the ideas. However, the best work (of which there was an exceptionally high amount) produced compelling narratives, which grasped the listener and told their story in a complex and dynamic manner. The external examiner commented that he thought that this module would 'be a highlight of their legal education for many of these students'. What's more, with some work, at least fourteen of the podcasts are publishable perhaps more. This underlines the potential of the assessment type to bring the best out of the students.

Deepening the Reflection: Breaking Form, Breaking Genre

The vast majority of assessment during the undergraduate law degree requires some form of essay. A good essay balances an understanding of the material with a cohesive argument in the voice of the student. Together, these form series of genre conventions, which are taught as 'essay writing skills' and reproduced in oral and written feedback. There is certainly a great deal of diversity in academic expectation and the guidance given about what makes good work within this genre. But aside from a very small few modules the vast majority of work requires students to re-performs the broad genre conventions. This is important, because the genre of assessment and the techniques that we deploy to improve performance, produce particular types of subjectivity.[5] Irrespective of how critical and creative the module might be, if the assessment requires the student to fit this knowledge back into the conventional genres, we are disciplining thinking and narrowing the potential for creativity. The podcast-as-assessment project aims to challenge this genre and the attendant subjectivities without sacrificing rigour. We can identify three key elements of this: the interview as encounter, podcast as affective communication and the public address.

Interview as Encounter

The interview with a specialist is a key learning moment. Students were encouraged to think about these interviews responsively. They were asked to approach the interviews from a position of knowledge and understanding, to know the literature in the field and particularly the work of the interviewee. But they were then encouraged to respond to the interview in an open way. The best interviews were genuine discussions and exchanges of ideas. Thus, in both my seminars and Storyworks' training sessions, students were asked to be active in shaping the discussion in the interviews, while also allowing themselves to be led by the interviewee. This was essential to the challenge to the undergrad essay as genre, because it got to the way in which ideas are produced, and the relation between the student and the ideas. This model of interview challenges the idea

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[5] Foucault, M *Discipline and Punish* (Vintage Books, 1995). See also Kirwan, E, *Pisa, Politics, Power,* (2012) https://cora.ucc.ie/handle/10468/2208

that the cited material is someone else's property. By utilising interviews collected by the student, the 'cited' material becomes impressed with the students own ideas and concerns. In this sense, we might think about the students intervention more like that of an auteur. The auteur director shapes the staging of the film, rather than simply editing together the material that is given by the script. The student is an essential figure in the interview, they are not simply passively reading the words of a published text (although they do this as well obviously), they are an active part of the interview, drawing the scholar out, challenging them to argue and think out an idea for the recording. Even if the words of the student never make it into the final podcast, the shadow of that thought is present. At the same time, the responsive ethos of the interview encourages students out of the approach where they create an essay plan and then execute it. The interview is meant to be an irruptive moment where the students ideas and understanding shifts in a face-to-face moment. We might think about this in terms of the affective encounter.[6] This is 'a meeting with something that you did not expect and are not fully prepared to engage. Contained within this surprised state are (1) a pleasurable feeling of being charmed by the novel and as yet unprocessed encounter and (2) a more *unheimlich* (uncanny) feeling of being disrupted or torn out of one's default sensory-psychic-intellectual disposition'.[7] However, the aim is also to 'stretch' the encounter. The student finds a set of living ideas in the interview, but then they take this vitality and use it to infuse their podcast.

Affective Communication & Public Address
This extension of the encounter is the second major challenge to the conventional essay-as-assessment model in legal education. The podcast is an excellent way to engage audiences, drawing out affective responses and attaching them to the series in a way that is not familiar to most academic outputs – in which I would include most undergraduate legal essays. Refocusing the students on the question of an audience, that might be reached through a carefully edited podcast was therefore a key way of fulfilling all three aims. The world in which we live is saturated with attempts to provoke emotional responses. From adverts to the media, we find events and objects being fashioned in a way that is meant to touch us. Thus, the production of a podcast – with the express aim of addressing a general audience – is fraught with danger. It is easy to miss the mark, coming over as corny or emotionally manipulative. At the same time, unlike the presentation, there is no sense of a dynamic form that can shift in response to the audience reaction. The podcast then is half way between a written argument and an oral presentation. At the same time, however, it works on a totally different register.

By encouraging students to be emotionally and affectively astute, we hope to encourage a different type of intervention. The use of soundtracks and sound effects for instance, open a different plane on which the students must think. A large number of the students were able to match ideas and feelings to the tone of music, although they tended to stick to one or two tracks rather than shifting the music as the emotive register changed. A key element of the affective dynamics of the podcast was the creation of a world for the listener. Students often spent a great deal of time establishing a sense of place or setting in the early minutes of the podcast. What

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[6] For encounter see: Bennett, J, *The Enchantments of Everyday Life* (University of Princeton Press, 2001, Anderson, B, *Encountering Affect,* (Routledge, 2017); for its bodily function in the classrooms see: Probyn, E, 'Teaching Bodies: Affects in the Classroom' 10.4 *Body & Society* (2004): 21–43

[7] Bennett, J, *The Enchantments of Everyday Life* (University of Princeton Press, 2001), 5

they found more difficult was sustaining these dynamics beyond the first five minutes. A small majority of students relied on quite repetitive soundscapes, which grated for the listener. However, the point remains that by thinking affectively, a different plane of engagement was opened within the assessment.

Finally, the aim has been to publish the best of these podcasts. If you think of the university as a site of knowledge production, and understand undergraduate assessment as part of this production, then it is incredible how little of the thought of a university is public. The great body of writing that students produce is overwhelmingly 'private', in the sense that it is only read by the student and their examiners. Of course, the last thing the world needs is hundreds of thousands of mediocre essays on the same subject. However, it should be possible to some aspects of this knowledge production public. The production of a 'private' knowledge in the form of essays and presentations, that are ultimately produced for an examiner, serves an important pedagogic function. If all of students work was subject to publication, there would always be the risk that below-standard work might be subject to ridicule. However, while the 'private' nature of student's work serves an important function, it is also important to lift students view, to break down the process where they produce knowledge 'just' for examination. This, then is the crowning element of the project – the desire to support the students to re-conceive of themselves as producers of exciting, dynamic and popular material. Certainly throughout the module, this was one of the driving factors for the students. The website and podcast series will be launched in October of 2018.