

A Hungarian E-Learning Initiative and Its Implications^{*}

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Abstract

The present article aims to introduce an innovative educational reform launched by the University of Szeged Faculty of Law. The e-learning initiative of the Szeged Law School offers a chance for both students and lecturers to set aside the traditional Prussian method of education used by the Hungarian professors. Such initiative might, however, have broader implications as well. As such, it can clearly help internationalizing legal education in Hungary and in its neighbouring countries, as well as serve as a great example for other international projects, like online dispute resolution programmes.

Keywords: e-learning, pedagogical skills, educational reforms, Hungary, online dispute resolution.

1 Introduction

In this article we start by discussing an e-learning initiative at the University of Szeged Faculty of Law in Hungary. We examine this recent development in the context of legal education in Hungary and in Germany. We then look at some potential implications of this development in the learning of these law students for their subsequent careers and more broadly. We then make some concluding observations.

^{*} This article has benefitted from discussions with Professor David Larson of William Mitchell School of Law, Co-Chair of the ABA Section of Dispute Resolution, Technology Committee, on various aspects of e-learning on different platforms and from the exchanges with participants in the Online Dispute Resolution conferences and Cyberweek such as at ODR 2015, organized by Professor Vikki Rogers of Pace Law School, Co-Chair of the ABA Section of Dispute Resolution, Technology Committee.

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2 A Hungarian Law E-Learning Initiative

2.1 Hungarian Legal Education

The development of digital technologies and their use in classrooms might have more direct effects on the fate of legal education in Hungary than we might at first think. It is not simply about using the World Wide Web in a lecture to show audiovisual files from YouTube or presenting the use of online databases in a research seminar. Indeed, e-learning must be something more. Introducing student-friendly platforms that provide access to course materials on a perpetual basis (at least for a full semester), logging all relevant student activities (including statistics on the time that students spend studying as well as individual elements of the learning materials), collecting teachers' evaluation (in an anonymous way) and testing the substantive knowledge of students within the framework of a course (through tests or exams) are necessary to improve the quality of education.

Such innovative approaches to teaching might also directly contribute to the shift from the previous methods of education to innovative forms of lecturing. With respect to Hungarian legal education, the relevant part of the previous sentence might be rephrased thus: to shift from a rigid, almost antique way of lecturing towards an appealing way of disseminating knowledge to students of the twenty-first century.

This is a goal of the University of Szeged Faculty of Law. The project started by offering e-learning methods to its students, and simultaneously opened the door to a new type of teaching experience – for both teachers and students.

To begin with, the method of legal education that Hungarian law schools traditionally follow is the well-known Prussian method. Here, a law professor lectures during a class and introduces the commanding rules of law (the different Codes, and rarely case law) *ex cathedra*. In that system students might take notes, but rarely contribute to the flow of the session by raising questions or asking for clarification of a given topic. In such a teaching method, it is always the lecturer who controls the session, and he can decide the minimum and maximum knowledge that a student is required to demonstrate to pass the exam. Students solely need to memorize this knowledge and disgorge it during the exam. Since an average semester of a Hungarian law student might include seven to eight (or even more) lecture courses as well as a certain number of seminars, it is easy to understand why many people have called for the reform of legal education.

The method of Hungarian law schools has also been criticized for its minimal reliance on the practical side of law, that is on case law analysis, drafting legal documents, legal clinics training or moot court practices.

However, the Hungarian method of legal education has its positive aspects too. Among several notable features of this model, students acquire the ability to oversee the basic structure and standards/definitions of Hungarian and European Union Law, as well as to develop the capacity to address any specific legal topic during their future career. To put it differently, students are well prepared to analyse legal texts, are aware of the basic requirements for a contract and know precisely how a trial properly runs. Of course, they need to put their knowledge into

practice during the initial years of their career. Furthermore, since the Hungarian legal procedures generally follow the inquisitorial – rather than adversarial – method, where the judge is the leader of the procedure, it seems to be more important to teach law students how to submit a written stipulation to the court rather than expressing the claims orally during trial.

2.2 *European Evolution from the Prussian Method*

Notwithstanding the above, the Prussian method has long been considered outdated in its original environment in Germany. German law schools have transformed their education into a practical one, where case law analysis has gained extreme importance. Likewise, an increasing number of universities have laid greater emphasis on the reliance on digital technologies in education. E-learning (as well as multiple forms of online education), where digital learning materials are provided on a permanent basis through platforms specifically designed to meet the needs of the current generation, has become an important part of legal education. Hungarian law schools are, therefore, at a crossroads: they either continue relying on their outdated educational methods or plunge into the digital education era.

The University of Szeged Faculty of Law has already taken some steps to meet the above challenges. The most important among them is the launch of a specialization programme called ‘module system’, in 2011. Under this programme, law school training has been divided into two main subprogrammes. The first part lasts for seven semesters, and students are obliged to become familiar with the most important fields of law ; that is, they need to register for courses that all future lawyers should properly know and be ready to apply in their careers (*e.g.*, contracts law, criminal law, constitutional law, etc.). The second main part of the module system is a two-semester specialization intended to give students deeper knowledge in the field of criminal, economic or international law and foreign (English, German or French) legal terminology.

However, this project has thus far led solely to changes in the content of the curriculum and not the methodology used in the classrooms. This is why the brand new ‘e-learning program’ of the Faculty of Law looks even more promising. The project involves professors of eight different courses each semester – for the forthcoming three academic years (beginning with 2015/16). This ultimately means 48 courses during the said time span. Those 48 courses account for over 50% of all the modules that law students will complete during the five-year long law programme. This number of courses is intentionally set in this manner. Although there are several degrees offered by other universities solely in online format, the Szeged Faculty of Law believes that the classroom, ‘brick-and-mortar’ education must be a part of the formal training of future lawyers as well. There are several reasons for this: the ties between the students and the faculty might be strengthened, and the availability of direct and personal contact of the lecturers and the students provides for an enhanced way of studying.

The e-learning modules referred to include a general description of each and every session, highlighting the content of the meeting, the most important doctrines that the class will touch upon as well as the leading cases related to the rel-

evant topic. All these contents are made available on a digital platform called Coospace. Although the materials are offered free of charge, no one claims that the readings can properly substitute for textbooks as well (and therefore the model cannot irritate book publishers). On the contrary, the readings mainly function as digital references for the students to locate the detailed versions of the relevant contents. Since the e-learning materials are digital, they also allow lecturers to locate further readings online, and insert simple surface or deep links that direct the students to external sources free of charge. Finally, the e-learning materials also include tests or quizzes that might help students in double-checking their knowledge. Since all student activities are logged on Coospace, the lecturer can similarly control the efficiency of the lecturer's design of his or her work. If the results of the tests or quizzes are poor, he or she might need to amend either the relevant readings or the control questions. This prompt feedback is one of the greatest advantages of e-learning for both lecturers and students. This feedback on the knowledge provided might ultimately lead to a more effective way of teaching and studying. Necessarily, this system might only work properly if professors are willing to improve their teaching skills. Szeged Faculty of Law is fortunate in this respect: the first eight e-learning modules are co-authored by sixteen professors. Indeed, by the end of September 2015, some other professors have already signed up for the second semester with their own e-learning modules.

This evidence of willingness to join the programme, which might ultimately lead to the shift from the Prussian style of teaching towards a modern, student-oriented method of lecturing, might also open the doors to further innovative programmes: MOOC ("massive open online course") or SPOC ("small private online course") lectures. Such modules might be successfully offered in the Hungarian language for Hungarian speakers, and not only for Hungarian nationals (there are still a large number of Hungarian language minorities in the neighbouring countries, such as Romania or Serbia). Indeed, professors of the Szeged Faculty of Law have considerable knowledge that they might be able to share with foreign students in English, German or French. Acquiring experience in e-learning through the above-introduced programme of the Faculty of Law might ultimately end up in digital distance learning projects as well.

3 Implications

3.1 *The Student after Law School*

For these students more or less immersed in digital technologies as consumers of both social media and products purchased through devices with access to online commerce, the natural progression of integration of technology in their legal learning has a certain coherence between their experiences both in the physical and in the virtual worlds in which they live. Rather than seeing these developments as antagonistic, or even as disruptive, we suggest that a more interesting path is to view these developments from a more holistic perspective. With the student at the centre of the pedagogical experience, we can see that appropriate e-

learning initiatives can be introduced that may enhance their learning experience rather than detract from it.

At the same time, one needs to recognize the difference between the physical classroom experience and the virtual learning space with regard to such elementary issues as knowing whether the person reading the material, asking the question or taking the quiz or exam is actually the person he or she claims to be. Some thought must be put into addressing these types of issues in the online e-learning environment in an appropriate manner.

For example, one solution can be to modify the nature of the online e-learning experience so that there are far more feedback moments than might be done in a class that would have only a mid-term or even only a final exam in a traditional physical-space class. In such a setting, the incentive for a student to have a 'brighter' or more 'diligent' person replace them in the course is countered by the disincentive to the replacing person of having to be available to do all of the multiple feedback moments of these expanded tests and discussion moments. Over time, one would expect that either the cost of the replacing person would rise to do the replacement or the replacing person would lose interest in that role, thus returning the burden properly to the student in the class. Of course, other checks on this kind of dissimulation are the ultimate qualifying exams to be a member of the Bar as well as the school's honour code requirements that deter the student from indulging in surreptitious gaming of the learning process and the class by exploiting the limitations of the technology.

Our hope is that the faculty clearly understands the pedagogical goals and methods that underlie the Prussian method or any other pedagogical method when the selection of off-the-shelf or custom technology is made in light of these same goals and methods. Then, much like the simulation of a physical process for a virtual environment, with the design of the e-learning environment, the professor can ensure that the pedagogical goals are the primary focus while they fine-tune the e-learning technology space to accomplish the goals that have been set. We should not let the cart of technology be put in front of the horse of pedagogy that leads the student's learning experience.

It would be essential to reflect on the mix of the advantages of physical space (sign-in for the exam in a physical space and taking of the exam in a virtual environment while one's physical space is known) with the potentialities of the online environments to maximize the pedagogical effectiveness of the hybrid physical-virtual learning experience. There is an obvious need for a dialogue between the professors and students with the technologists who develop the platforms to make sure that the developments are pedagogically sound. This requirement becomes even more important as the role of technology moves from mere storage of/access to course documents towards a truly interactive pedagogically interesting learning environment.

To accomplish this evolution, the professor has to be able to not only teach in a sound manner, but also communicate to the technologist what goals are sought to be achieved in the teaching so that the technologist, in turn, can shape an online environment that enhances learning. Such an environment might at first mimic what happens in physical space, but in due course one begins to under-

stand what aspects of the physical space are not needed to achieve the same pedagogical goals in the virtual world. This iterative process of development calls for robust technological developments, clear dialogue with the technologist to evolve an effective e-learning environment and a long-term commitment of the institution to making the inevitable adjustments for new technological developments as well as new insights into optimum pedagogy.

If we assume that a hybrid physical–virtual pedagogical space is successfully put in place, the next aspect to consider is the student’s experience after law school in working for the state, for-profit enterprises, not-for-profit entities and associations or working in private law firms. A student who has become comfortable with traversing the physical and virtual worlds may be confronted during his or her career by hierarchies in the workplace who are ignorant of or resistant towards enhancing the use of technology in their work. This recalcitrance is not an age-related issue but more a question of attitude and openness to evolving approaches. The virtual fluency that students develop through their experience in the e-learning course would then be confronted with a type of institutional blockage that, over time, would tend to waste the skill set of the student developed from the e-learning experience or divert it into frivolous activities outside of the workplace.

Depending on the student, this state of affairs can create a contradiction that could lead to lower productivity and satisfaction in their work. The firm might also suffer a competitive disadvantage from such attitudes blocking technological innovation. In this setting, the students trained in a forward thinking e-learning environment may serve as a sort of vanguard that modifies the physical methods of the employer with virtual technologies while accomplishing the relevant tasks at hand. These former students’ fluency in understanding technology as users thanks to their e-learning does not make them technologists but enables them to dialogue coherently with technologists. Thereby, the e-learning experience might help these former students accelerate the process of changing technology-mediated work methods in their workplace. Structures of dialogue in the virtual or physical world where these lawyers and technologists can examine the potentialities for technology in all aspects of the legal profession, such as in the American Bar Association, Section of Dispute Resolution, Technology Committee or the National Center for Technology and Dispute Resolution, can perform the necessary role of bridging the experience in the legal profession with the developers of appropriate technology to help think through at least the principles for dispute system design whether in public courts or various forms of alternative dispute resolution. At the international level, such as in online dispute resolution programmes and during ODR Cyberweek, these vanguards may meet counterparts in other sectors of the nation and the world who are also experiencing the impact of technology on certain aspects of their workplace. Through dialogue, we would expect that best practices can be identified and better integrated in both the physical and virtual spaces as a completion of this feedback loop to enhance the quality of the legal services and processes being provided.

4 The University in Its Educational and Pedagogical Vocation

At the same time as the students are going through the e-learning experience, the university is going through the process of identifying appropriate technologies, implementing them and modifying them for new situations that arrive unexpectedly as it puts in place an e-learning component to its pedagogical mission. To the extent that professors are associated early with the technology decisions, there is scope for a productive dialogue between professor and technologist to spur the development of more sophisticated and beneficial means of training the students. This two-level development of change of the teaching environment for the university and change of the learning environment for the student cannot possibly follow a strict linear path. One imagines iterations and back and forth movements as the process of e-learning is refined.

Moreover, these iterations in the university environment may identify ways of e-learning that can be integrated in the greater society or in several societies around the world in due course. This spreading of the e-learning technology serves as a means of understanding what is needed to optimize the online environment for its intended purpose. One might learn that apparent cultural specificities in the real world are of no moment to the design of the virtual space under examination. Alternatively, one might find the contrary to be true or that there are aspects of both. The point is that this process is an iterative process. But beyond the actual creation of the e-learning space, there is the set of skills of how to properly create an environment in which there is communication, dialogue and evaluation. Those three qualities are at the heart of any dispute resolution process in court or in alternative dispute resolution. Thus, those in the university who take on this task learn a new set of skills as to how to properly transpose or innovate on current physical practices and make them operate effectively while exploiting the potentialities of the virtual space.

With time, these university explorers of the appropriate role for technology in teaching also have an opportunity to identify what is truly essential to the pedagogical experience and what is a 'physical fossil' that can be removed without detriment to the learning experience of the students. Again, we would submit that these skills are transposable across the university to other disciplines and also between the university and other institutions of society such as in continuing education and adult learning in many disciplines.

5 Conclusion

We do not presume in this article to be unrealistically optimistic about what is possible, but rather propose a way of discussing technology that is more focused on its harmonious integration in the development of legal pedagogy and the profession. We see the 'we' potentialities through a dialogue between the content makers of the pedagogy (the professors) and the virtual space articulators (the technologists) that we think can be fruitful for all concerned and to the benefit of the university. But beyond these entities we see e-learning as a coherent step in

the process of technological integration in many facets of our students' lives up to law school and as a non-trivial part of their work lives as they move forward in their careers. Just like learning a foreign language, a law student learning how to be fluent and effective in a virtual space for legal e-learning and a technologist learning that it may not be a case of 'if we build it they will come' but rather 'if we come to them, we can build it together' are approaches to finding a harmonious synthesis.