

TEACHING CRIMINAL LAW IN A VISUALLY AND TECHNOLOGY ORIENTED CULTURE A VISUAL PEDAGOGY APPROACH

Published in LEGAL EDUCATION REVIEW Vol. 16, Nov. 2006

Julian Hermida*

Introduction

The revolution in media and global communications in the last few decades has transformed the very basic foundations of knowledge and education.¹ Pedagogy authors have been advocating for the development of media literacy across the curriculum.² However, in Canada the Law School classroom, with its teaching philosophy built during an exclusively print-centered era,³ has not yet opened its doors to audiovisual teaching methodologies or to media literacy.⁴

The objective of this article is to show some student-centered activities informed by visual pedagogy that take into account students' learning styles in a visually oriented and technology driven society. It is written exclusively from a Canadian perspective and it is premised on the fact that teaching methods that use the structure, language, and rhythm of audiovisual media attract students' attention and encourage their active involvement in

* Assistant Professor, Dalhousie University, Halifax, Canada. Postdoctoral Fellow, University of Ottawa. DCL & LL.M. (McGill University). I would like to thank Prof. Ian Kerr (Ottawa) and Prof. Diane Labreche (Montreal), who encouraged me to have a different look at pedagogy. I would also like to thank Leah Aubrecht and Carly Fidler, my research assistant, for their help with case research.

¹ Brian Goldfarb, *Visual Pedagogy: Media Cultures in and beyond the Classroom*. Durham, NC: Duke University Press, 2002, p. 1.

² R. Hobbs, "The seven great debates in the media literacy movement" (1998) *Journal of Communication*, 48(1), p.16.

³ David F. Cavers, *Legal Education in the United States* 8-10, 17-20 (1960) (providing an overview of the history of legal education in the United States and discussing Langdell's role).

⁴ Arturo Lopez Torres and Mary Kay Lundwall, "Moving Beyond Langdell II: An Annotated Bibliography of Current Methods for Law Teaching" 2000 35 *Gonz. L. Rev.* 1, p. 8. The authors analyze the bibliography on teaching methods used in Law School and they note that audiovisual methods are used only in few classes as an aid or supplement to other methods.

class.⁵ Furthermore, approaching criminal law from this perspective helps students develop media literacy as advocated by visual pedagogy. For this purpose, the article first discusses the existing clash between the prevailing Law School teaching philosophy in Canada and the audiovisual culture we are all immersed in. Second, it briefly examines Goldfarb's visual pedagogy, which calls for both adopting teaching methodologies compatible with the contemporary audiovisual paradigm and developing students' media literacy in the classroom, i.e., a students' analysis of media texts and students' media production across the school curriculum.⁶ Third, it analyzes the context of the course where the activities are inserted in. Finally, it examines some teaching activities involving the analysis of video scenes showing criminal events and students' production of videos dealing with criminal matters.

Clash between prevailing Law School teaching philosophy and audiovisual culture

Since the 1980's Canadian Law Schools have been gradually shifting the conception of the law from a unitary, doctrine-focused, and homogeneous system to a more diversified, open, and plural process, where there is a relatively higher degree of tolerance for alternative perspectives and for the contribution of other disciplines.⁷ Although this change in the legal paradigm implied a devaluation of the importance of Langdell's case method, and despite the efforts of many faculty members and authors in Canada, law teaching methodologies have not yet completely shifted towards a truly active and student-centered pedagogy that fully acknowledges the influence of audiovisual media in students' lives.⁸

The patterns of modern Law School education were laid in an era of nearly total print dominance.⁹ The educational concepts articulated were print-centered, where the main

⁵ Robin A. Boyle & Rita Dunn, "Teaching Law Students through Individual Learning Styles" 1998 62 *Alb. L. Rev.*, p. 215.

⁶ Brian Goldfarb, *Visual Pedagogy: Media Cultures in and beyond the Classroom* (Durham, NC: Duke University Press, 2002) p. 59.

⁷ Robert A. Stein, *The Future of Legal Education* 75 *Minn. L. Rev.* 1991 at 952.

⁸ Cynthia Weston and P. A. Cranton, "Selecting Instructional Strategies", *Journal of Higher Education*, Vol. 57, No. 3, May/June 1986 at 259.

⁹ Molly Warner Lien, "Technocentrism and the Soul of the Common Law Lawyer" (1998) 48 *Am. U.L. Rev.* 85.

objective of Law School was to dissect published edited appellate court decisions, and then to use this skill to achieve mastery of legal thought over a body of learning that itself had been shaped and disciplined by its reduction to print.¹⁰ As put forward by Goldfarb, “writing and reading occupied a space of privilege in the Western tradition of education and literacy for the most of the twentieth century, making these skills key factors in subjects’ identity and status relative to community.”¹¹

In the last few decades, images have earned a new status in some educational contexts other than the Law School and they have become a representational mode of choice well beyond their previous status as illustration.¹² The visual has thus taken on a new importance not only in the scheme of knowledge representation but also in the formation of identity and community relative to how knowledge is accessed and lived.¹³

Despite this change in paradigm, the prevailing teaching methods in Canadian Law Schools continue to be print-centered and focused on the instructor, whose role is still conceived as a major conveyor of knowledge contained in published court decisions compiled in legal casebooks.¹⁴ The teaching activities still give students marginal involvement and most importantly,¹⁵ the teaching methods do little, if anything, to encourage students to create and produce their own (and collective) legal texts and knowledge, whether media centered or not.¹⁶

Visual pedagogy

¹⁰ Steven D. Smith, “Believing Like a Lawyer” 40 *B.C. L. Rev.*, p. 1048.

¹¹ Brian Goldfarb, *Visual Pedagogy: Media Cultures in and beyond the Classroom*. Durham, NC: Duke University Press, 2002, p. 20.

¹² Brian Goldfarb, *Visual Pedagogy: Media Cultures in and beyond the Classroom*. Durham, NC: Duke University Press, 2002, p. 20.

¹³ As clearly expressed by Goldfarb, “We identify with and through the visual; we increasingly experience our everyday lives through media in which visual and sound-based representations predominate.” Brian Goldfarb, *Visual Pedagogy: Media Cultures in and beyond the Classroom*. Durham, NC: Duke University Press, 2002, p. 20.

¹⁴ J. Macfarlane, “A Feminist Perspective on Experience-Based Learning and Curriculum Changes”, (1994) 26 *Ottawa Law Review*, 357-383.

¹⁵ Schon, Donald, A., “Educating the Reflective Legal Practitioner”, (1995) *Clinical Law Review*, 231-250.

¹⁶ Marlene Le Brun and Richard Johnstone, *The quiet (r)evolution: improving student learning in law* (North Ryde, NSW: Law Book Co. Ltd., 1994) 26.

The rapid expansion of global communications media and visual culture in this digital era has shaken the structure of societies globally and has radically altered the dissemination and production of information and knowledge.¹⁷ This revolution is fundamentally transforming our notions of education and learning, and at the same time, it is altering the way we apprehend reality. It has changed the means people -particularly those who have grown up in this paradigm- use to communicate with one another, the concepts they form, and the structure of their thought.¹⁸

Unlike other active teaching pedagogies that consider audiovisual technologies as mere supplements to traditional classroom and print-based education,¹⁹ visual pedagogy places audiovisual languages at the forefront of classroom teaching.²⁰ Visual pedagogy recognizes the unique advantages that audiovisual media have as a powerful transforming tool. For Godfarb, when used as a tool in the classroom, the power of audiovisual media enables a level of interactivity and critical thinking not seen in traditional schooling.²¹ Visual pedagogy advocates the teaching of media literacy across the curriculum,²² and as part of a

¹⁷ Brian Goldfarb, *Visual Pedagogy: Media Cultures in and beyond the Classroom*. Durham, NC: Duke University Press, 2002, p. 1.

¹⁸ Dan Lacy, *Print, Television, Computers, and English*, ADE Bulletin, Number 72, Summer 1982, available online at <http://www.adfl.org/ade/bulletin/n072/072034.htm>.

¹⁹ Hammer, R. & Kellner, D. (2001, March 28). *Multimedia pedagogy and multicultural education for the new millennium*. Current Issues in Education [On-line], 4 (2). Available: <http://cie.ed.asu.edu/volume4/number2/>.

²⁰ Visual Pedagogy rejects the two predominant views –the Frankfurter school and Postmodernism- about the role of visual media in society. The Frankfurter School (Adorno, Horkheimer, Habermas) considers popular culture and the mass media that produces it as one of the means of oppression by the power elites. The postmodernist view shifts responsibility from the makers and distributors of popular culture to the users who supposedly are able to critically read it and pick from it what they want and need for their social emancipation and sub-cultural identification. Visual Pedagogy shows that the use of media can have emancipatory effects in the short run as well as recuperative effects in the long run. Goldfarb posits that learning to critically read media texts is insufficient to take the ideological sting out of the message, but rejecting the use of media altogether is to deprive students of fundamental tools to apprehend the world surrounding them and to transform and affect it. Stefaan Van Ryssen, *Review*, available online at http://mitpress2.mit.edu/e-journals/Leonardo/reviews/aug2003/Visual_Ryssen.html, accessed February 27, 2006.

²¹ Brian Goldfarb, *Visual Pedagogy: Media Cultures in and beyond the Classroom*. Durham, NC: Duke University Press, 2002, p. 1.

²² David R. Russell, *Writing in the Academic Disciplines 1870-1990: A Curricular History* (Carbondale: Southern Illinois University Press, 1991), p. 1. Paula Carlino, *Escribir, Leer y Aprender en la Universidad* (Buenos Aires: Fondo De Cultura Economica, 2005).

plan that is sensitive to the diverse concerns, knowledge, and experiences of students.²³ Media literacy has been conceptualized as the “the process of critically analyzing and learning to create one’s own messages –in print, audio, video, and multimedia, with emphasis on the learning and teaching of these skills through using mass media texts.”²⁴ It includes the cognitive and affective processes involved in viewing and producing audiovisual materials.

The context: A multidisciplinary approach

In Canada legal education consists of a three year curriculum, which is fairly similar across the relatively few existing common law schools. During the first year, students achieve basic lawyering skills, mainly the analysis of edited appellate court decisions, the identification of both sides to a position, the resolution of conflicts, and the isolation of legal issues from non legal facts. Students develop these skills across six or seven compulsory courses –generally constitutional law, criminal law, contracts, property, torts, and civil procedure. Students also take a legal writing and research clinic course, where they acquire writing skills. In the second and third years, students may choose law courses from a broad range of optional courses. While law schools are free to adopt their own legal curriculum, they generally include all those subjects recommended by the provincial law societies for the admission to the practice of law. In Canada, students need to have at least three years of undergraduate education, and generally a bachelor’s degree, in order to be admitted to Law School. However, the nature of legal education is typically undergraduate. Students do not write a thesis, do not do research beyond case searches, and their production of texts is limited to marginal clinical classes taught by part time faculty.²⁵

The criminal law course where the experience recounted below takes place is conceived as an interdisciplinary course, which focuses on the study of crime simultaneously from three main disciplines: criminal law, criminology, and criminal justice. It has been conceived as

²³ Brian Goldfarb, *Visual Pedagogy: Media Cultures in and beyond the Classroom*. Durham, NC: Duke University Press, 2002, p. 20.

²⁴ R. Hobbs, “The seven great debates in the media literacy movement” (1998) *Journal of Communication*, 48(1), p.16.

an experimental one full year course to offer students a different approach to the study of law. In this course, we analyze a long list of different criminal problems, such as homicides, sexual assault, property crimes, corporate crimes, international crimes, crime participation, and the elements of the crime, among many others. The focus is not the appellate court decisions dealing with these criminal matters, but these criminal problems themselves. Although there is a lot of variation in the approach, when we examine any given criminal phenomenon, we try to delve into three main layers of analysis (i) the root causes of the criminal problem, for which purpose we resort to a wide array of criminology theories, both traditional and alternative,²⁶ (ii) the legal solutions adopted to deal with this problem, including an analysis of the elements of the criminal offence and its judicial interpretation both in Canada and other jurisdictions,²⁷ and (iii) the way the criminal justice institutions handle this problem and its perceived offenders.²⁸ We seek connections among the legal, political, economic, sociological, and cultural elements in society and we look at criminal problems and justice institutions from international and transnational perspectives. This interdisciplinary approach not only enriches the examination of legal issues but also actively fosters students' interest to engage in criminal problems from a comprehensive focus. Otherwise, the traditional view of law teaching which restricts itself to the analysis of edited appellate court decisions irritates students who are accustomed to examining topics globally and comprehensively, and who sense that the isolation of legal issues advocated by the prevailing paradigm of legal education leads to impoverished analyses and solutions.²⁹

²⁶ Edwin H. Sutherland and Donald R. Cressey, *Principles of Criminology* (Philadelphia: Lippincott 1966); Richard Quinney, *Criminology* (Boston: Little, Brown, 1979); Robert K. Merton, "Social Structure and Anomie" (1938) 3 *American Sociological Review* 672; Travis Hirschi, *Causes of Delinquency* (Berkeley: University of California Press, 1969); Edwin Lemert, *Social Pathology : A Systematic Approach to the Theory of Sociopathic Behavior* (New York : McGraw-Hill, 1951); Willem Bonger, *Criminality and Economic Conditions* (Boston: Little, Brown, and Company, 1916); Richard Quinney, *Class, State, and Crime: On the Theory and Practice of Criminal Justice* (New York: D. McKay Co., 1977); Cesare Beccaria, *On Crimes and Punishments* (Indianapolis: Hackett Pub. Co., c1986); Cesare Lombroso, *Criminal Man, According to the Classification of Cesare Lombroso* (Montclair, N.J.: Patterson Smith, 1972).

²⁷ J. Hermida, "Convergence of Civil Law and Common Law in the Criminal Theory Realm", 13 *University of Miami International and Comparative Law Review* (2006), forthcoming.

²⁸ Colin Goff, *Criminal justice in Canada* (Toronto: Thomson Nelson, 2003), p.1

²⁹ Lani Guinier, Michelle Fine, & Jane Balin, *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 *U. Pa. L. Rev.* 1, 46 n. 116, p. 86. "To lawyer effectively, a contemporary attorney may need more than the ability to spot issues or engage in quick-response timed legal analysis, as measured by blind-

Media analysis in the criminal law classroom

Since we now live in a visually oriented and technology driven society, our classroom teaching, rather than insisting on clinging on to teaching methodologies that belong to other paradigms, should adapt to the new realities of a fast pace audiovisual culture.

I implemented a teaching method that makes the most extensive use of the kind of learning styles students demand without compromising the objectives of achieving excellence in the discipline. Although I try not to repeat the structure of my classes by constantly changing the rhythm of the class and by varying all classroom activities, my classes usually have a general common pattern. I always start by posting on the blackboard –in a way that resembles interactive menus on cable and satellite TV- the objectives of the class, how this class fits with what we have done and what we will do, the topic of my talk, the class activities we will carry out, and what we will cover next class. My talk is usually short, straight to the main points I want them to discuss later, and then we all embark in the class activities. One of the most successful is the analysis of video scenes from popular TV shows, such as Friends, Seinfeld, The Simpsons, Beverly Hills 90210, or even Beavis and Butthead, and commercial motion pictures depicting criminal events. It is amazing how many crimes are committed on TV every day!³⁰

As a way of illustration, when we analyze the crime of stalking, I usually show some scenes from Friends' episode The One After the Super Bowl, where Erica Ford (Brooke Shields) has got into Joey's building to deliver a love letter to Joey thinking he actually is Dr. Remore –the surgeon he plays on Days of Our Lives. When Erica unexpectedly knocks at Joey's door, Joey and Chandler get scared and think she is going to kill them. In order to defend themselves from Erica, Joey grabs a frying pan and Chandler opens the top of the dish soap he is holding. When Erica comes in, Joey gets a huge smile and Chandler

graded examinations."

³⁰Sarah Eschholz, Matthew Mallard & Stacey Flynn, "Images of Prime Time Justice: A Content Analysis of NYPD Blue and Law and Order", (2003-04) *Journal of Criminal Justice and Popular Culture* Vol. 10 Issue 3 at 161.

squeezes the dish soap in the air. We analyze whether Erica committed the crime of stalking (criminal harassment) as conceived in Canada.³¹ We analyze the actus reus – harassment- and the prohibited conduct –following, communicating, watching or threatening-, the appropriate mens rea, and the existence of fear.³² We compare this crime with the stalking offense in California,³³ which differs slightly from the Canadian version, as it has been conceived as a specific intent crime.³⁴ This leads to a debate about specific intent crimes and the possibility of raising the voluntary intoxication defense. We also analyze the criminological categories of stalkers.³⁵ Students debate whether Erica is a love obsession stalker and whether she also presents aspects of an erotomaniac stalker, as she believes Joey Tribbiani is actually Dr. Remore, and that they are having a relationship.

Another example is our discussions of the concept of mens rea. One of the clips I show depicts Friends' Rachel trying to move Rosita –Joey's beloved chair. Joey makes it clear that Rosita does not move because she is in the exact equal distance from the bathroom to the kitchen and it is at the perfect angle so that you do not get any glare coming off of Stevie, the TV. When Joey heads into his room, Rachel tries pulling on the back of the chair, until the hinge breaks and the back falls off. Students are asked to analyze whether Rachel acts with the required mens rea for mischief.³⁶ This triggers a debate on mens rea itself and we relate to authors, such as Simmons³⁷ and Fletcher,³⁸ who propose alternative views on mens rea. We also analyze criminological theories to explain the reasons that lead Rachel to offend. For example, we resort to Labeling Theories to explain what the societal and the criminal justice reactions would be toward Rachel.³⁹

³¹ Canadian Criminal Code, section 264.

³² James L. Cornish, Kelly A. Murray & Peter I. Collins, *The Criminal Lawyers' Guide to the Law of Criminal Harassment and Stalking* (Aurora, Ont.: Canada Law Book, 1999) p. 130.

³³ Cal. Penal Code 646.9.

³⁴ Christine B. Gregson, "California's Antistalking Statute: The Pivotal Role of Intent" 1998 28 *Golden Gate U.L. Rev.* 221.

³⁵ Stacy Casper Martinez, "Utilizing the Tools: Successfully Implementing the Stalking Statutes" (2000) 35 *Land & Water L. Rev.* 521, p. 524.

³⁶ Canadian Criminal Code, section 430.

³⁷ Kenneth W. Simons, "Rethinking Mental States", 1992 72 *B.U.L. Rev.* 463.

³⁸ George P. Fletcher, "Rethinking Criminal Law" 445 (1978).

³⁹ Edwin McCarthy Lemert, *The Trouble with Evil: Social Control at the Edge of Morality* (Albany: State University of New York Press, 1997) p. 1.

Another example is from Beverly Hills 90210 Graduation episode, where Steve sees a girl on the hallway who he has had a crush on for years and kisses her without her consent. He says “for years I’ve wanted to do this” and runs away. Students analyze whether Steve’s conduct constitutes sexual assault, and the type of mens rea he acted with.⁴⁰ We examined if this same conduct is criminalized in other jurisdictions, including common law, civil law, and even Islamic states.⁴¹

Participation in crimes also lends itself to this kind of activity. For example, I show Seinfeld’s The Revenge. In this episode, George plots revenge against his former boss, and with Elaine’s help, tries to slip his boss “a Mickey.” Also, Jerry suspects that his launderer is a larcenist after he discovers that \$1500 he had stashed in his laundry bag is missing. Kramer convinces Jerry to get revenge. So, they both go back to the laundry. Jerry distracts the launderer while Kramer puts a bag of concrete into one of the wash machines. Students engage in a very lively discussion of what the requirements for being an aider and abettor are, the doctrine of probable and natural consequences, the dual mens rea concept, the differences with the requirements for being a counselor to an offense and an accessory after the fact. Another scene I usually select is from Friends’ episode The One with all the Cheesecakes where Chandler steals cheesecakes from his neighbor, and Rachel -who despite knowing this- cannot resist eating the stolen cheesecakes herself. This again fosters active student participation in the examination of the requisites for being an accessory after the fact. Moreover the discussions lead to many other aspects of criminal law, including whether there is actus reus for theft, or whether Rachel may have a defense or not. Again, we try to extrapolate the debate to other criminal justice systems and not just the Canadian one. And we also examine how the Criminal Justice institutions treat white, middle class, male offenders in comparison to non white, immigrant, and marginal young males. We debate sentencing disparity issues, affecting Aborigines in Canada, as well as Hispanics and African Americans in the United States. A video clip which I usually show to illustrate judges’ sentencing discretion is The Simpsons’ The Parent Rap. Milhouse and Bart

⁴⁰ Canadian Criminal Code, section 271.

⁴¹ J. Hermida, “Convergence of Civil Law and Common Law in the Criminal Theory Realm”, 13 University

Simpson go to juvenile court for joyriding in Wiggum's police car. Judge Snyder rapidly dismisses Milhouse case on the male centered view that "boys will be boys". When Bart goes up before Judge Snyder he is just about to get out of it, but the judge's vacation starts. The replacement judge isn't a pushover and citing Homer's negligence she orders that Bart and Homer be tethered together. This clip clearly shows –like in real life- that two persons acting under identical circumstances can be imposed different sentences even for the exact same crime.⁴²

When analyzing sexual assault, I usually show Seinfeld's The Red Dot, where George has sex with the cleaning lady at work. We analyze the notion of consent under Canadian criminal law, where there is no consent if the accused engaged in the sexual activity by abusing a position of trust, power or authority.⁴³ Students analyze whether George is in a position of authority with respect to the cleaning lady. They discuss whether someone that is not a boss can be deemed to be in a position of authority. They then examine whether George abused his position. Similarly, I also show some scenes from the feature film Election, where the protagonist Tracy Flick (Reese Witherspoon), an ambitious, overachiever senior High School student, has an affair with her teacher Dave Novotny. I use this film to discuss the legal age of consent for sexual relationships in Canada, as well as in some US states and the vast series of cases dealing with both coerced and consensual sexual relationships between teachers or principals and students.⁴⁴ Furthermore, students have to apply different criminological theories to determine the root causes of sexual assault.⁴⁵ We discuss whether any of the prevailing criminological theories, including Feminist Criminology schools can adequately explain the reasons for the occurrence of this crime. Students also critically reflect on whether this should be considered a crime and discuss the criminal policy justifications in those countries where consensual sexual relationships between a student and a teacher are not criminalized.

of Miami International and Comparative Law Review (2006), forthcoming.

⁴² Susan R. Klein and Jordan M. Steiker, "The Search for Equality in Criminal Sentencing" 2002 *Sup. Ct. Rev.* 223.

⁴³ Canadian Criminal Code, section 273.

⁴⁴ Patricia J. Falk, "Rape By Fraud and Rape by Coercion" 1998 64 *Brooklyn L. Rev.* 39, p. 79.

⁴⁵ G. Balfour & E. Comack (editors) *Criminalizing Women: Gender and (In)justice in Neo-liberal Times* (Black Point, NS: Fernwood Publishing, 2006), p. 33.

Students' video productions

In order to achieve a high level of media literacy,⁴⁶ students also create their own media productions dealing with criminal matters. For this purpose, I expressly teach them the conventions of film language, including camera movements, angles, editing techniques, and sound effects, and the meanings they can convey. When we analyze the video scenes described before, we also pay attention to the structure of the scenes and its relation to the substantive content of the message they convey. For example, when we analyze the famous shower scene in Alfred Hitchcock's *Psycho* to determine what kind of homicide it is and especially to analyze Psychological criminology theories on crime,⁴⁷ we pay attention to the camera, edition, and sound. Students always note that when Marion Crane is in the shower she looks worried. Then, the camera shows the bathroom door being pushed slowly open. There is no music. We can only hear the sound of the water. We see someone coming toward Marion –and the audience. Marion's back is turned to the curtain. Suddenly, we see the hand reach up, grasp the shower curtain, and rip it aside. The camera cuts to an extreme close up of Marion. As she turns, a look of pure horror erupts in her face. A low terrible groan begins to rise up out of her throat. A hand comes into the shot. The hand holds a very large knife and attacks Marion. The sound of the water disappears. We hear Marion's screams and, more loudly, the film's pulsating music. Then, there is a reverse angle showing the hand pulling the shower curtain back. We can notice the murderer is a woman. Then, the camera shows the curtain, closed across the tub. We hear the water again and then the noise of the room door slamming. There is a cut to Marion's body lying on the floor. The camera follows away from the body, travels slowly across the bathroom, past the toilet, out into the bedroom. As the camera approaches the bed, we see a close up of the newspaper. Students usually launch into a very vividly discussion of Hitchcock's use of film conventions to determine the psychological explanations of Norman Bates' murder of Marion. The discussion then turns to the kind of homicide, its degree, and elements.

⁴⁶ R. Hobbs, "The seven great debates in the media literacy movement" (1998) *Journal of Communication*, 48(1), p.16-32. Hobbs argues that "media literacy is incomplete unless students get a lot of experience 'writing' as well as 'reading' media texts".

⁴⁷ Larry Siegel & Chris McCormick, *Criminology in Canada* (Toronto: Nelson Thomson Learning, 2006) at

Teaching the conventions of film language and the actual analysis of these conventions, alongside the analysis of substantive disciplinary contents, gives students the necessary tools to make their own film productions. The results have been very stimulating. As an example, a group of students made a documentary based on criminal events that took place in the neighborhood surrounding the school campus. They reenacted those scenes, which included sexual assault, drug possession, and white-collar crimes, such as fraud, and fencing. They also reenacted the way the Criminal Justice system treats different offenders, such as low class visible minority immigrants and middle class white Canadian college students. The students showed the video to the whole class and we analyzed both its substantive criminal content as well as the film language and structure that students used.

Another group of students produced a video about recent assaults –in a bullying context– that took place in a High School near the school campus. They approached their production as a documentary. They interviewed the victims of the assaults. They also interviewed students that witnessed the assaults. They described what happened and described the perpetrators of this series of crimes. They also interviewed school counselors who gave their opinion about the causes that led to the crimes. They edited these interviews by intercalating scenes of a courtroom to convey the idea that these testimonies took place in a criminal trial.

Another group produced a video about marital rape in the early 1980's prior to Canada's amendment to sexual offenses and sexual assault today.⁴⁸ Students resorted to black and white to show the 1980's scenes where the husband forced his wife into sexual intercourse. The wife made a complaint and students recreated the criminal trial in an actual courtroom in Halifax, Nova Scotia. The judge ends up discharging the prosecutor's case on the grounds that common law rape excluded the possibility of a husband's rape of his own wife. Then a similar scene takes place nowadays. Students change to the use of color to show the new time. Now the case ends up with the husband's conviction for sexual assault

288.

⁴⁸ Julian V. Roberts and Renate Mohr, eds. *Confronting Sexual Assault: A Decade of Legal and Social*

as the marital exception has been abolished in Canada. The use of music and a fast pace editing conveyed the emotions and feelings of the victim experienced in both situations.

Activity purposes

These practices serve several purposes –pedagogical, criminological and philosophical. From a pedagogical point of view, as held by visual pedagogy theory, these activities relate to the way students are used to looking at the world without diluting the quality of learning. It caters to learners who are immersed in a visually and technologically oriented culture. These activities also motivate students to read the articles, cases, and books which are necessary for the analysis of the video segments and integrate these readings into a comprehensive analysis of all –visual and print- texts dealing with criminal matters. At the same time, these activities help students develop media literacy. They help students to critically analyze media texts and to create their own media messages on criminal matters.

From a criminological viewpoint, these activities help them demystify the traditional image of crime as occurring between strangers and on the streets and where the perpetrator is generally a marginalized lower class member of society.⁴⁹ This helps them see that crimes take place in all social classes and milieus and most of the times victim and offenders know each other very well.

Finally, it ruptures with a unitary, doctrine-focused and homogeneous conception of the law, which is invariably concerned with the print-centered mission of dissecting published appellate court decisions.⁵⁰ It proposes a more diversified, open, cooperative and plural teaching and learning process, which coincides with the current paradigm of audiovisual culture in a digital era.

Change, (Toronto: University of Toronto Press, 1994).

⁴⁹ Larry Siegel & Chris McCormick, *Criminology in Canada* (Toronto: Nelson Thomson Learning, 2006) at 170.

⁵⁰ Robin A. Boyle & Rita Dunn, Teaching Law Students through Individual Learning Styles, 1998 62 *Alb. L. Rev.* at 218.

Conclusions

It is necessary to redefine the prevailing conception of legal pedagogy and teaching methodologies along the lines of the changes in the evolution of society. Television, film materials, and other media texts offer unique teaching possibilities, which motivate students' learning process and which at the same time contribute to a more open and diversified conception of the law attuned to the current audiovisual paradigm. Furthermore, as advocated by visual pedagogy, it is also necessary to help Law School students develop media literacy.