KUWAIT UNIVERSITY, CIVIL LAW AND THE INTERNET: Genesis of a Dedicated Civil Law-Teaching Website (Being a UNESCO Cited Project)

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KUWAIT UNIVERSITY, CIVIL LAW AND THE INTERNET
Genesis of a Dedicated Civil Law-Teaching Website
(Being a UNESCO Cited Project) *

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I. INTRODUCTION

II. THE INSTITUTIONS
1. Kuwait University (KU)
2. Kuwait University School of Law (KUSL)

III. THE PROJECT
1. Project Philosophy
2. Project Description
   a. ‘Obligation and Evidence’ Course (O&E)
   b. ‘Foundations of Obligations’ Course (FO)
   c. ‘Methods of Legal Research’ Course (MLR)
   d. ‘Vocational Training’ Course (VT)
3. Project Format / Structure
5. Teaching Perspective
6. Self-Assessment
7. Awards and Acknowledgments

IV. REFERENCES

V. APPENDIX – SAMPLES OF MATERIAL AVAILABLE ON THE WEBSITE:
   1. ‘Obligation and Evidence’ Course – Handout
   2. ‘Obligation and Evidence’ Course - Worksheet
   3. ‘Obligation and Evidence’ Course - Quizz

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I. INTRODUCTION

The Arab world still lags behind in the use of Information and Communication Technology (ICT) for teaching purposes.¹ In the particular field of higher education, although Arab universities have been among the first institutions in the region to connect to the Internet, use of World Wide Web resources have been noticeably restricted to faculty research purposes.² As a result, the level of use of the Internet as an educational medium is very unsatisfactory. Despite being media-literate for the most part, students of such universities generally lack opportunities to learn anything 'online' — ICT learning culture being remarkably underdeveloped. This conclusion is almost universal to most Arab universities. As far as could be determined, very few Arab law schools professors, if any, make all their course material fully available on the Internet for students' reference.

The situation is not different in Kuwait University School of Law (KUSL).³ ICT culture within campus is not prevalent amongst faculty or students; approaches to the learning process are quite traditional, although preliminary steps were taken in 2003 to ensure reasonable access to IT use for research and teaching proposes.

In this connection, Sabieh maintains that it does not suffice to equip Arab higher education institutes with the technology, and that further efforts are needed, especially in terms of initiating these institutes to enable the educator to make informed decisions on how to integrate ICT into the teaching and learning environment to enhance the overall learning process. In order to address this pedagogical challenge, Sabieh emphasizes the importance of familiarising educators with the learning theories and

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¹ Information and communication technology, or ICT, is defined by the UNESCO as the combination of informatics technology with other, related technologies, specifically communication technology. See: Jonathan Anderson and Tom van Weert, Information and Communication Technology in Education: A Curriculum for Schools and Programme of Teacher Development (Paris: UNESCO, 2002), p. 13.
³ The situation is different, however in terms of using ICT for administrative purposes. Most Kuwait University administrative procedures such as registration, record keeping and accounting are automated. Computer services at the Shuwaikh campus, where the Law School is located, are centralized in a Computer Services Centre. This facility provides for most of KUSL’s needs — networking, licensed software, technical support.
conditions in one hand, and the skills of using the technology and its applications in the other.\(^4\)

It is remarkable how a review of Arabic and Kuwaiti scholarly history reveals very little interest in intertwining the teaching of law with the use of ICT; this is a significant omission in Arabic regional practice and one which this paper addresses. Therefore, Sabieh’s assessment of the present state of ICT in Arab higher education and the way forward serves as an appropriate prologue for this paper, which is immediately concerned with casting light on one suggested method through which this could be achieved, this being an ICT project that was put together by two Kuwait University School of Law (KUSL) faculty members, one of whom is the author of this paper.\(^5\)

The purpose of this paper is to explore and evaluate the different aspects of this experience. It therefore is appropriate to briefly identify the main institutions through which the current project operates – these being Kuwait University (KU) and Kuwait University School of Law (KUSL) – and then give a description of the different aspects of the project and its approach to incorporating the use of ICT in teaching Civil Law.

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\(^4\) C. Sabieh, ‘A Confident Arab Scholar: Faculty Development and Technology’, in Proceedings of the Use of Information Technology in higher Education in Arab Universities Conference (Beirut: Notre Dame University Press, 2001), pp.11-20. To shape ICT expertise in educators, Sabieh suggests the following steps: Level one - focuses on familiarizing the educator with a computer (the hardware); Level two - focuses on familiarizing the educator with applications (the software); Level three - focuses on instructional technology; Level four - focuses on the use of technology in a specific subject matter (the desired course) in order to enhance the learning environment.

\(^5\) The team is made up of the author, Dr. Mashael A. Alhajeri, a faculty member of Kuwait University School of Law (KUSL), with a PhD degree in comparative Private Law from the University of Essex, UK (2004), and the ex Head of KUSL Information Technology Unit (while out of KUSL’s eighty faculty members only three are females, the author is the first female faculty to join the Private Law Department since KUSL’s inception in 1967). The other team member is Amr S. Abo Hamer, who is a computer engineer with an LLB in Computer and Information Sciences, Ain Shams University in Cairo, Egypt (2002), and is currently the Executive Manager of the KUSL Information Technology Unit.
II. THE INSTITUTIONS

This section necessarily must have a limited objective – to identify the reader with the fundamental features of the institutions behind the current project, in order to illustrate the environment in which it operates. It is thus beyond the scope of this section to look at the history of these institutions in any great detail.

1. Kuwait University (KU)

Kuwait University (hereinafter ‘KU’) was founded through an Amiri decree in October 1966,\(^6\) five years after Kuwait's independence from Britain,\(^7\) to serve as the country's principal institution of higher education. The University was responsible for overseeing the development of Kuwait's higher education sector, and facilitating all aspects of scholastic activities. Its institutional mission, as approved by the University Council, is “to keep, develop, and disseminate human knowledge, in addition to developing national human resources”.\(^8\)

The newly established University comprised the colleges of Science, Art, and Education, in addition to a college for women. With the beginning of the academic year 1966-67, KU had 418 students and 31 faculty members. Through a plan to achieve systematic institutional enlargement, new colleges immediately followed suit,\(^9\) one of which was the School of Law which was inaugurated on 1967.

The University’s history is strongly intertwined with that of the country’s modern history. During the Iraqi occupation of Kuwait in (1991-92) Saddam Hussein’s forces destroyed KU campuses and looted their contents. A number of KU’s buildings were used as army headquarters and prisoners of war detention camps. Subsequent to the liberation of Kuwait, these

\(^{6}\) Amiri Decree of April, 1966, on the organisation of higher education in Kuwait.

\(^{7}\) Kuwait became an independent state on June 19th, 1961.

\(^{8}\) Kuwait University website: <http://www.kuniv.edu> (as accessed on July 22, 2007).

\(^{9}\) These being the colleges of Law, Shari’a, and Commerce, Economics and Political Science (1967); the College of Engineering and Petroleum (1975); the College of Medicine (1973); the College of Graduate Studies (1977); the College of Education (1980); the College of Allied Health Sciences and Nursing (1982); the Colleges of Pharmacy and Dentistry (1996), the College of Social Sciences (1998), and the College of Women (2003).
campuses were restored, and study was immediately resumed in the academic year 1991-1992.

In 2006, KU celebrated its 50th anniversary. It now comprises five campuses, 14 colleges, 82 academic programmes, 1197 faculty members, 19711 undergraduate students and 1130 graduate students. From its inception in 1966 until today, more than 66 thousands have graduated from its colleges.¹⁰

2. Kuwait University School of Law (KUSL)

Originally designated as a School of Law and Shari’a (Shari’a being the traditional Islamic law and jurisprudence), the School was inaugurated upon the issuance of an Amiri Decree on April 1st 1967 to contribute towards legal scholarship, and became a separate college within Kuwait University in 1968. In 1981, the Faculty of Sharia and Islamic studies was founded, and the current faculty changed its name into ‘Kuwait University School of Law - KUSL’¹¹. The School now comprises the following four departments:

1. Department of Criminal Law
2. Department of Private Law
3. Department of International Law
4. Department of Public Law

As expressed in its mission statement, KUSL seeks to:

1. Provide a distinguished level of legal education among its peers of Arab Universities, which meets international educational standards;
2. Provide the community with highly qualified law graduates equipped with legal skills and research capabilities to satisfy requirements of the legal profession, with cross cultural appreciation;
3. Participate effectively in developing and spreading of legal education and awareness among all sectors of society; and
4. Focus on faculty members’ developmental skills via encouraging and facilitating academic research.

KUSL admits students coming from secondary education (ie high schools). Initially operating on a full-year (8-month) basis, it adopted the semester system in 1976, but reverted back to the annual system, when, on July 1st 1989, the University Council approved the decision that the Law School re-

¹⁰ <http://www.kuniv.edu> (as accessed on July 22, 2007).
apply an enhanced four-year annual system, which takes into consideration a number of concepts in the credit-hour system, while applying the yearly system in order to adapt to the nature of legal courses. Thus, KUSL now adopts an annual four-year Bachelor of Laws degree program (LL.B).

KUSL operates a post-graduate program that was started in 1993. Originally consisting of one study scheme only, the Masters in Law program (LL.M.) later developed into two separate schemes; Private Law and Public Law. As of the academic year 2003/2004, the School started a new Masters program in Environmental Sciences offered and supervised by the College of Graduate Studies.

On the ICT front, a number of steps have recently been taken to furnish KUSL with adequate ICT infrastructure. Firstly, three computer labs were outfitted at the renovated campus; all together they accommodate about 60 PCs. Second, the KUSL Library offers significant electronic legal resources (a lab, CD ROMs, law databases such as WestLaw). Also, an integrated and extensive part of the Methods of Legal Research course (MLR) is composed of electronic data search and is taught by ICT personnel.

But these steps were not enough to significantly enhance the learning process and, as in many other research institutions, the reasons behind the need to boost ICT resources are legion. The main drivers for this initiative however may well be the frustration that some young faculty expressed towards the current state of ICT infrastructure at KUSL campus, and the way this was hindering their ability to optimize their performance in the two most important aspects of academia, ie research (there were no PCs available for individual faculty use) and teaching (desires to incorporate technology into teaching were hampered by the lack of equipment at classrooms). KUSL administration was sympathetic to these views and regarded them as a trend that warranted its full support. In 2004, KUSL administration decided that practical measures need to be taken.

This coincided with the author’s graduation from the University of Essex, UK, where she read for her PhD degree. She then joined KUSL as an assistant professor. Quickly, the problems associated with ICT literacy at

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13 This was the only law postgraduate program offered in the Arabian Gulf region at the time.
15 At the time the project was launched, the Law School had just moved from the Hawalli campus where it was temporarily located and returned to the newly renovated Shuwaikh campus, where the School is now located.
KUWAIT UNIVERSITY, CIVIL LAW, AND THE INTERNET
Dr. Mashael A. Alhajeri
Kuwait University School of Law – KUSL (26 November 2007)

KUSL was clear to her (for example, PCs were for the exclusive use of administrative staff; none of the faculty had any on their desks). After assessing the ICT situation in the school, she immediately volunteered to found an ICT Unit; a job which she took in addition to her teaching and administrative duties. This enthusiasm met a welcome response by KUSL Dean, who endorsed this vision as being in line with the KUSL plan to acquire academic accreditation by the Association of American Law Schools (AALS). The author immediately joined efforts with two administrative staff that had computer training, and the KUSL ICT Unit was instituted. The author was assigned the position of the Head of KUSL IT Unit, as it was called.

The newly incepted Unit’s functions were broadly defined as follows:

- To spread ICT awareness amongst KUSL faculty and students;
- To prepare ICT Labs for students’ use
- To spearhead the process of ICT development in KUSL;
- To design and administer KUSL and faculty websites;
- To put together a lecture-theatre automation plan for KUSL teaching halls (ie converting lecture halls into 'smart-classes');
- To subscribe to various law databases
- To provide technical support for KUSL faculty and students; and
- To administer the procurement of computers and ICT equipment for KUSL needs

As ambitious as this schema was, and despite shortage of funds (in fact, due to budgetary constraints, the IT Unit was allocated none, and therefore had to be quite 'resourceful' to generate the necessary funds!) measures such as flexible administrative arrangements with other KUSL Units, shared use of existing office equipment, in addition to restoration of old hardware and making maximum use of licensed software proved vital in sustaining the new Unit. Notwithstanding this challenge, it is now estimated that about 60% of the aforementioned goals was achieved within a year and a half of the Unit’s inception.

The Law School is currently, in 2007, studying an ambitious proposal to assume full control of its technology resources and services (in-house e-mail support, networking, online grading, distance learning, faculty homepages, course pages, wireless networking, and faculty and staff training). This task is currently assigned to KU’s Computer Services Centre.

16 KUSL. Dean’s decision no. 10 for the academic year 2004/2005, dated 16 November 2004.
II. THE PROJECT

1. Project Philosophy

The current project is meant to serve as a paradigm for the use of the Internet as a law learning medium in Arab Higher education, with a very low budget. Its very basic and simple idea is to spread awareness of the potential the Internet holds as a learning means, and to encourage peer faculty to put their course materials online for students' easy access. The project thus aims to achieve two basic goals:

(a) Enhancing students’ ability to learn; and
(b) Helping educators to reach their teaching objectives.

Within these rather simplistic but challenging parameters, the project envisages to set a model to universities in developing countries, especially in the Arab region, in terms of streamlining ICT knowledge and empowering students through effective use of information technology in a non-threatening environment.

The project was conducted with intense focus on the following overriding concerns:

- **Free access.** It is perceived as a fundamental key to the project's success that the website requires no login names or passwords. All users, whether from KUSL or other entities (locally based or from abroad), should have free and full access to all course material. The author waived all her intellectual property rights over the said material. All material is thus publically available.

- **Simplicity and ease of use.** Many KUSL students feel intimidated by ICT in general, and use of Internet for learning purposes in particular, so it should suffice to have basic knowledge in computer use to make use of the material available on the website. As far as educators as concerned, the project purports to address the educator with simple ICT training. Educators dealing with the material of the website need not be fully proficient with information technology and computers, nor need they master the techniques of surfing the net.
Exposure to foreign languages. Kuwait’s national public education system offers English as a foreign language programme (EFL) where students are taught the language. However, it is widely perceived that this programme’s output is unsatisfactory as students hardly demonstrate a good command of English upon their graduation from high school. As a result, students at KUSL are basically monolingual; they speak Arabic mainly. Very few have a fair command of English. Therefore — although it was inevitable that all course material be put on the website in Arabic — it was thought that exposure to foreign languages was strongly needed. Thus, all lecture handouts as put on the website are furnished with a bilingual, and sometimes trilingual, glossary (Arabic / English / French, with an occasional treatment of Latin as well, especially in connection with legal maxims).

Diversified use of learning material. Visual aids have never been a part of KUSL culture. To overcome this deficiency, the team decided to add visual aids to course material whenever possible (transparencies, power point presentations, movies, links to other websites), with particular emphasis on lecture handouts (in which a wealth of graphs, diagrams, charts, cartoons, scans, and newspaper clippings were added). PowerPoint presentation in particular proved very popular with students.

Interdisciplinary treatment of course topics. Interdisciplinary treatment of course material took this author, and her students, to explorations on frontiers she never thought possible before following this liberal approach to law. Lecture time was a time to explore areas as unpredictable and diversified as the aesthetics of Jacques-Louis David’s paintings (liability of art sellers), history of Europe (reception of Roman Law in Civil Law countries), philately and stamp collecting (liability of auctioneers), Pepsi Cola commercials (offer for a reward), the economics of inflation as seen through Argentinean Peso’s recurrent depreciation in value (effects of supervening events on contracts), Napoleonic wars (political theory), the implied rationale behind Hergé’s Tintin and Goscinny’s Asterix cartoons (liability for dangerous things), the interaction between ancient civilizations

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17 Mashael A. Alhajeri, ‘Castles and Bridges: Interdisciplinary Research and its Role in Connecting Academic Disciplines A Study in Law as an Autonomous Discipline and its relation to other Sciences’ [in Arabic], paper presented to Faculty of Social Sciences 3rd Conference: Social Sciences and Interdisciplinary Research – An Integral View, Kuwait University, Kuwait 3-5 December 2006.
(Roman law versus Islamic Sharia Law), genesis of ‘Monopoly’ the board game (intellectual property rights), literary theory and choice of historical setting in Amin Maloof’s novels (*Lex Mercatoria*). This approach enriched the course with an immense reservoir of examples. It also helped spark students’ interest in many fields (for example, many of the author’s students are now avid readers of Maloof).

- **Exposure to Comparative law:** Comparative law is best described as the field of study devoted to the systematic comparison of legal systems, through the delineation of a fund of ideas common to them.\(^{18}\) While promoting greater insight into the national legal system through juxtaposition of different systems, study of the comparative legal systems of the world allows for the evaluation of the relative efficiency of legal institutions within the national system, and contributes to the better understanding of other foreign systems of law. Despite its increasing significance as a main component of a law curriculum, exposure to comparative law is strikingly lacking in KUSL curriculum. Material in the website partly acknowledges this shortcoming through comparative treatment, both in terms of case law and jurisprudence. Comparative law tools used in the author’s courses vary in format; they include case law, literature, news, movies and advertisements, to name a few.\(^{19}\)

- **Out of class study.** As courses are designed to accommodate relatively large numbers of students, lecturing – generally speaking – is the prevalent *modus operandi* at Kuwait University in general, and in KUSL in particular. The number of students in a given class varies between 40-120 (except for seminars), which allows a very limited margin for students to make full use of class teaching material as presented by lecturers. The website purports to complement this shortcoming, therefore all materials relevant to the author’s courses are now fully available online.

- **Managing functional ICT projects with limited funds.** The message that the team wished to convey was that ICT use for educational purposes need not be an expensive venture. In putting together the web components of this project, basic software and


\(^{19}\) Kuwaiti law is not alien to comparative law; it draws upon two conceptually divergent legal systems, being the Islamic Sharia law and French law.
utilities were used; the kind of which is readily available in the market. This software being:

- Microsoft FrontPage 2003
- Macromedia FlashMX
- Swish v 2.0
- Adobe Photoshop ME
- Adobe Illustrator
- Microsoft Word 2003
- Microsoft PowerPoint 2003
- .Net Framework

(As regards hardware, the website was launched on the internet using a server of a considerably old make!).

2. Project Description

The current project is a law-teaching website that was initially launched on April 2005. In its current format, it was designed by two members of KUSL’s IT Unit and dedicated for Civil Law-based courses.

The website URL on the Internet is: http://law.kuniv.edu.kw/mashael

Material on the website is available for the following courses:

(1) ‘Obligation and Evidence’ Course (O&E)

This is an 8-credits substantive required course for second year students. The course meets three times each week with four sections, with a different professor for each section. Sections range in size from 20 to 120 students.

The course provides the foundation for Civil Law studies that follow in further years. The basis of the theory of obligation (théorie des obligation) is discussed and analyzed, and the related civil code articles are examined as to their purpose, structure, format and use. The course also tackles the law of evidence.

It is worth noting that generations of students have classically perceived this particular course as the most challenging one in their KUSL experience. The tradition persists, unfortunately — many students still encounter major
difficulties with this course and have a hard time passing it. Indeed, it is quite common for a good number to fail it (sometimes more than once). They are then required to take it again.

Ideally suited for smaller classes, the current project supports this course’s lecture experience, with a diversity of material and visual aids designed to provide students with a more interactive and participatory in-class learning experience, in addition to out-of-class study aids.

Throughout this paper, this course is discussed as a paradigm for other courses on the website, in terms of both material and treatment, as this particular course is characterized by the wealth of material available for student’s consultation on the website.

(2) ‘Foundations of Obligation’ Course (FO)

This is an elective course offered on a semester basis for non-law students who come from various other KU faculties. The course focuses on providing background and conceptual foundation for what is known in civilian jurisdictions as the theory of right and the theory of law. It seeks to equip these students with rudimentary instruction in law, and with an understanding of the legal issues that are likely to be encountered both in the society at large and in their careers. Students need not have studied law previously in order to take this course.

(3) ‘Methods of Legal Research’ Course (MLR)

This is a research seminar that meets once a week, usually on the last day of the school week. Class size is usually small; generally ranging from 20 to 25 students.

In this course, students learn the different aspects of conducting legal research, including: topic selection, identifying problematic issues, outlining, literature review, methodology, citation systems, footnote and bibliography conventions, and ethical rules (quotation, plagiarism, etc).

Despite its theoretical significance to students’ study scheme at KUSL, this particular course seems to be largely perceived as ‘inefficient’; a view that seems to be adopted by both students and lecturers alike. This rather ‘light’ regard to the course is reflected by both its relaxed grading scheme and its previous record of remarkably high grades. This stance is probably linked to the rigid classical techniques that are used in teaching this course, which
tend to be putting to much emphasis on the formal aspects of writing. The current website therefore attempts to provide a package of instructional material to help, at the very least, alter perceptions about this course.

The course’s page on the website also comprises material addressing the research needs of graduate students, for although these students are offered a preparatory four-lecture intensive research seminar, experience shows that this seminar is far from sufficient, and that further help is needed in both thesis and praxis of legal research. Therefore, the website offers a specially designed research workshop to complement the seminar, and to help achieve the envisaged pedagogical effectiveness. The ultimate goal here is to help postgraduates write appropriately for academic purposes.

(4) ‘Vocational Training’ Course (VT)

This is a practical training course which is required of all fourth year students. It meets once every other week, with a class size ranging from 10 to 30 students. The course emphasizes the development of vocational legal skills through guiding and monitoring students during an internship stage as in-house legal advisors in selected governmental legal departments.20 Students are broken down into sections and each section is assigned to a separate government office.

In addition to acquainting students with how the agency works (mission, departmental hierarchy and work standards) and what legal tools it implements (legislation, bylaws, administrative decisions. Legal opinion), the main focus of the course’s teaching material is training students in practical legal skills such as writing legal memoranda, drafting and monitoring government contracts (being mostly standard forms of contract), and observation of court sessions and hearings.

The course is made up from a combination of in-house learning sessions within the designated government legal department, in addition to in-class seminars with a faculty member. Course material on the website is exclusively related to the work of Kuwait Municipality's Legal Department.

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20 These legal departments being: the Public Prosecution Authority, the Ministry of Interior's Investigation Department, the Ministry of Justice and Legal Affairs' Legal Department, Kuwait Municipality's Legal Department and the Council of Ministers' Department of Legal Advice and Legislation.
3. Project Format / Structure

The website comprises two parts:

(A) Dynamic Part:
- News flash / ticker (updated news)
- Live Web Cam (pictures from metropolises around the world)

(B) Static Part:
- Main Page
- Research
- Links
- Grades
- Contact information
- Courses:
  - Obligations & Evidence (O&E)
  - Foundations of Obligation (FO)
  - Methods of Legal Research (MLR)
  - Vocational Training (VT)

Under each of these courses is a repository of related material, which lecturers and students from peer Arab universities can use. Generally speaking, material is presented according to the following taxonomy:

- Course Description
- Lecture handouts (each lecture handout is divided into four parts: contents, glossary, diagrams and bibliography. located at the end of each handout, the bibliography is very extensive. It also covers comparative legal literature, for future research).
- Power Point Presentations (slide Shows)
- Quizzes
- Examinations
- Work Sheets
- Comparative Charts (ie quick study tools)
- Transparencies (to be readily used with conventional overhead projectors by peer faculty members at institutions where no IT infrastructure is available)
- Diagrams (flowcharts, concept maps, illustrations)
- Samples of Students' Work (eg movies)
4. Teaching Perspective

The pedagogical settings of this author’s courses determined how the Internet is to better serve students’ learning experience. This approach relates to Silber’s notion of ‘instructional technology’, which refers to the use of ICT in a methodical manner as a means to solve educational challenges.\(^{21}\) Indeed, used alone, technology does not improve teaching, nor does it enhance learning. But used as a medium, it helps combine many teaching techniques in a coherent manner. Therefore, used at home, ICT helps students acquire information in an organized but thought-provoking manner. For this purpose, handouts, along with their corresponding PowerPoint presentations, serve as site-based tutorials that cover a specific component of the course in a combination of explanatory and exploratory approaches. Contents are designed to serve the learning objectives set out in the course syllabus.

In addition to handouts and slideshows, a number of supporting follow-up material was made readily available for students’ use (diagrams, worksheets, comparative charts, etc). The website also contains samples of past examinations, offered for students’ review. These contain questions that range from the very basic (calling for explanations, descriptions or even mere recitations of the law) to hypothetical fact-patterns questions or fact-intensive hypothetical questions (imaginary case scenarios), the purpose of which is to teach and measure issue-spotting analysis of fact and law skills. As regards worksheets, these are a critical part of the author’s ‘Obligations and Evidence’ course in particular, where students are introduced to proper legal writing, case analysis and problem solving skills. Usually assigned in an end-of-the-week seminar, these worksheets proved very useful in providing students with a participatory and interactive experience, through offering them an opportunity to receive the course professor's individualized attention. This interactive process is in complete divergence with traditional rote learning that stereotypically marks Arab law teaching, which hardly engenders analytical skills.

In the classroom, however, ICT is used with a view to better integrate course material with students’ real life experiences. This is achieved through supporting material that is presented and discussed in class (Socratic

discussions, presentations, hosting guest speakers, self-tests, movies, works sheets, illustrations, charts, newspaper clippings, even comics).

Thus, a specific method is not adopted but rather various learning styles, as befits the topic of the day, are used. In this connection, it is relevant to note what an American colleague, William Magrath, had to say about his approach to using his own material in class:

“My approach to mythology has always been nonlinear, more a weaving together of theoretical considerations and concrete examples of tales, rituals, and works of art from around the world. All of these components come together with multimedia presentation software and Web page construction. Course ‘coherence’ can improve with use of the new media”.22

However, deciding what information and tools to be incorporated in the courses materials proved a truly difficult decision to make. In adherence to Zirkle’s suggestions over the best way to tackle the continuous dilemma to keep up with the pace of change that usually plagues the process of learning, course contents are predominantly developed and integrated in the website through extensive critical readings (books, law reports, newspapers, journals, World Wide Web), peer collaboration, communications from students at peer Arab Universities, in addition to ongoing class discussions (indeed, students’ instructions and feedback proved an immense help for content-development). All material is periodically updated.

On a different note, as all legal systems seek improvement; the study of other systems is a vital part of this process. On many matters, good laws cannot be produced without the assistance of comparative law. Therefore, cases from different parts of the world, especially civilian jurisdictions, are repeatedly discussed in this author’s classes. This allows lively presentation of contrasting legal rules, and framing workable recommendations for Kuwaiti law’s improvement, based upon specific norms. One cannot overemphasize the significance of the Internet in terms of the unlimited

access it allows for comparative law, and the depth which this component adds to the ‘Obligations and Evidence’ course in particular.

Indeed, one’s first impression on looking at some legal systems might be that the underlying doctrines are so fundamentally different from one’s national law that they allow no margin for comparison. With the use of course material put for student’s reference on the website, in addition to the World Wide Web, these divergences were surpassed by applying the ‘functionalist comparison’ method, ie comparing solutions presented by equivalent legal institutions, a method that facilitates looking beyond differences in concept and language to identify functional equivalents. This approach demonstrates the development of those concepts and institutions more clearly by viewing them against the backdrop of other legal systems, whether those prevalent in the area, such as civil law, or those applied elsewhere, like the common law.

5. Self-Assessment

The functions achieved by this website, as a learning facility, are not, as far as this author is aware, matched by any other peer Arab law school. The Arab World still lags behind with respect to use of ICT in higher education, a problem which is regarded as a major development impediment. As such, this website, as provided thorough KUSL’s ICT structure, provides what is hoped to be a model for faculties from Arab law schools to integrate ICT into the learning environment, and – crucially – it also allows less privileged faculties from developing countries to access course material of interest.

Since all four courses of which the material is put on the website could primarily be traced to one thread, being the civil law, the site proved to be of particular help to students and faculty of peer Arab Universities. This is due to the fact that Kuwait is an evident example for a Civil Law country, and can be taken as an indicator to other Arab countries of which the legal systems are based on Civil Law legal doctrine, both in the Middle East (Syria, Lebanon, Iraq and Yemen) and North Africa (Egypt, Libya, Algeria, Tunisia and Morocco). Feedback received from students and faculty in these universities was most encouraging.

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24 Supra, Chap. 1.
The design team estimates that the current project's major points of strength are the following:

- The website is marked with notable wealth and diversity of learning material (lecture notes, slide shows, quizzes, exams, worksheets, comparative charts, transparencies, diagrams and samples of students' work such as movies). This approach helps present what is otherwise perceived as ‘classic’ law courses from a new, fresh perspective.

- Open access was a key to 'popularity'; no login names or passwords are required. This is to be contrasted with ‘E-Learning’ courses (also known as ‘Distant-Learning’ courses) which are restricted to students who are actually registered in the course.

- Economics of this project demonstrate that, contrary to a widely misconceived belief, use of information technology need not necessarily be a costly venture, and that all universities, even those with budget constraints – as the case usually is in developing countries – could readily embark on a similar venture.

- This project was conducted within strict ethical guidelines. Its team members insisted on using licensed copies from all software used (this was the team’s contribution towards the country's ongoing campaign to fight software piracy, which seems to be a flourishing business in many Arab States, including Kuwait).26

- Exposure to comparative law through course material (lecture notes, PowerPoint presentations, etc) added a global dimension to students’ learning experience; it helped mark the course materials on the website with a distinctive 'flavor'.

- Despite the complete lack of publicity, the website proved surprisingly popular with course students. This could be judged from

26 Although the Government of Kuwait is taking commended actions to curtail software piracy, the fact remains that piracy rates are still alarmingly high. Latest available statistics from Kuwait demonstrate that, in 2003, level of copyright piracy in business software was 68%; the estimated trade losses were $24 m. Kuwait is currently on the IIPA's 'Watch List' (IIPA: International Intellectual Property Alliance). See: "International Intellectual Property Alliance 2005 Special 301 Report – Kuwait", available online: http://www.iipa.com/rbc/2005/2005SPEC301KUWAIT.pdf#search='software%20piracy%20kuwait' (As accessed on October 12, 2007).
the number of people who visited the site during its relatively short life, both from inside and outside Kuwait.

- Availability of material in the website allowed for more individualized learning in the classroom by allowing the opportunity to address students’ queries through referring them to relevant learning aids (such as handouts, presentations, worksheets). This helped the author to better manipulate her class time, in addition to noticeably freeing her office hours and allowing time to perform other academic tasks. Indeed, the author notices that her role gradually evolved from a mere ‘lecturer’ into an overall ‘facilitator’ of learning. As such, the website has to be viewed as unqualified success from this perspective.

The shortcomings, on the other hand, are admittedly legion (the least of which is website aesthetics). Despite budgetary constraints, the team is currently working on improving the website, with a special emphasis on aspects related to consistency of navigation, printability of pages, design liquidity, and material updates.

It is worth stressing here how hard it is to evaluate the immediate effect this website had on the student’s learning experience and overall academic performance – the experiment is relatively new. In this connection, it is noteworthy to invite attention to Professor William Magrath’s view in this regard. Having worked on what seems to be a similar experience, he had the following to say about its effect on his students’ performance:

“[…] can I say that student learning has improved? Neither their test scores nor essay writing scores indicate significant gains. On the other hand they report expending greater effort to succeed, perhaps related to an increased sense of responsibility and a shift in their understanding of their learning, from passive to active. I would like to attribute such a shift to the changes made possible by technology, that is, more passive learning outside class and more active learning in class. It may be that such active learning does not register as clearly in students’ test/essay grades”.

Indeed. What is quite evident, though, is that students are now showing a more profound interest in these courses. For example, in the classically rigid and uninviting ‘Obligations and Evidence’ class, attendance rate became remarkably high (the author even had ‘visitor’ students, *ie* students from other classes coming and staying for the whole duration of class time – an absolute precedent!). Of course, one can not quantify the impact on students from outside of Kuwait.

It is also noted that the site enhanced students’ learning, especially with respect to course components that were not covered in the lecture setting due to either time or curricular constraints. This is equally true with regard to students not attending specific classes on campus, as it allowed them the opportunity to visit material to which the other students had already been exposed.

In this connection, it is worth mentioning that – in the spirit of collaboration – some students showed a genuine interest in producing teaching material. For example, a team of four students at this author’s ‘Obligations and Evidence’ course made a movie in which they reconstructed some of the cases the class has been studying. The screenplay, direction and shooting were all done by them. These students were awarded extra bonus, in addition to a sincere round of applause by their classmates.\(^\text{28}\)

Finally, it remains to say that – judging from this humble experiment – the author strongly believes in the promising potential of the Internet, and that the World Wide Web should be utilized as a medium of communication to serve other worthy causes.\(^\text{29}\) The project is thus suggested as an avenue for peer faculty, both at KUSL and other Arab law schools to consider in the future. It also has the capacity to be a model, in a more general way for other faculties in universities and institutes of higher learning in the developing world. On a wider perspective, this experiment could provide useful ideas for constructing approaches on more basic educational concerns, such as literacy.

\(^\text{28}\) The movie could be watched at this link: <http://law.kuniv.edu.kw/mashael/obli_films.htm>.
\(^\text{29}\) For example, a Tsunami appeal was advertised on project's website.
6. Project Awards and Acknowledgments

The current project received an honorable mention in the UNESCO / King Hamad Bin Isa Al-Khalifa Prize for the Use of Information and Communication Technologies in Education, 2007. Out of 35 projects of all over the world, the committee's report referred to three projects only. The awards went to projects from Korea and Finland, with an exceptional honorable mention to Dr. Alhajeri's website. According to the prize committee "The Dedicated Civil Law-Teaching Website for Arab Law Students from the School of Law at Kuwait University receives an honorable mention. A model of Internet use to enhance the learning of law, it has proved highly effective. It has encouraged a number of law schools in Arab countries to make high-quality learning resources available to their students via the internet. Developed over 18 months with minimum funding, the project demonstrates that using ICT in education need not necessarily be a costly venture". The design team was invited to the Prize ceremony and was awarded a Diploma for this Honourable Mention, and to give a presentation of their project for the attending audience.30

30 UNESCO website: 
IV. REFERENCES

1. Amiri Decree of April, 1966 on the organization of higher education in Kuwait.


10. Mashael A. Alhajeri, ‘Castles and Bridges: Interdisciplinary Research and its Role in Connecting Academic Disciplines A Study in Law as an Autonomous Discipline and its relation to other Sciences’ [in Arabic], paper presented to Faculty of Social Sciences 3rd Conference: Social Sciences and Interdisciplinary Research – An Integral View, Kuwait University, Kuwait 3-5 December 2006.


