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Globalisation and Harmonisation in Technology Law

Using the wiki-environment of Jurispedia in legal education

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Abstract

"If the task of the discipline of law is to advance the understanding of law in the modern world, the facts of globalisation and interdependence, although open to multiple interpretations, dictate that even the most local phenomenon needs to be viewed in everwidening contexts, up to and including the world and humankind in general." Leaving from the premise as formulated by William Twining in *Globalisation & Legal Theory* (p. 89) this paper explores the possible use of wiki-environments in legal education. More specifically: students in a class on cybercrime will be stimulated to collaborate, by using a closed wiki-environment, in critically examining the Acceptable Use Policy for University Computer Systems of their institution. They will therefore need to analyse the relevant legal sources on a national and international level and apply them to the local needs of their institution. Students will be encouraged to share their findings in an open multi-lingual collaborative legal encyclopaedia: Jurispedia.

In the end of 2004, some French speaking Law and ICT departments started up a wiki-environment for sharing law: Jurispedia. Jurispedia is now available in French, English, German, Spanish, Chinese and Arab. The author is involved in setting up a Dutch version. At the background of this endeavour to start up a multi-lingual collaborative legal encyclopaedia is the idea that a network of individuals collaborating together is as important to legal knowledge on the Internet as is the legal information. Jurispedia could give a boost to this collective intelligence. The results of this commons-based peer production are available for free on the basis of a Creative Commons licence. The initiators aim at a decentralised, multilingual collaboration. Although everyone with a background in law can contribute to the encyclopaedia and lay-men can be involved by asking an article, the project is to be supported by universities, who can build upon existing knowledge on quality and structuring and presenting legal information. It will take years and many exiting opportunities for learning to get this enterprise, that no commercial publisher would consider viable, going. A possible first step is to explore projects to use Jurispedia in legal education and to get the internet-generation engaged.

To this purpose the author intends to use Jurispedia in a class on cyber crime. The problems with information security, defamation and privacy can be investigated within the real life situation of the students. Thus students will find out that to prevent cyber crime a multi-layered approach is necessary, which is based on the insight that not only states but also end-users/user-groups, markets and code regulate. Research on compliance leads them to find out about the relevant positive law and the influence of

harmonisation and regulation on an international level. Inspired by the demands of legal certainty and to subject their views to critical scrutiny students might consider that some results of their research should be available in an open environment. This will lead to the use of Jurispedia.

The paper will explore how and to what aims the wiki's will be used in class. In more detail, the possible learning outcomes specific to this class and more in general will be described. Some considerations on the feasibility of the project will also be discussed.