course of events would have been dealt with in lectures. To facilitate student interaction and input, there was an email link to the subject coordinator; hypertext links to relevant sites, including relevant news and current affairs; a feedback link; and a basic discussion page. The aim was not to deliver yet more readings for students, but to make the 'electronic lecture' a form of active engagement between the teacher and students designed to enhance not merely the flexibility, but also the quality of learning.

In a text oriented web-based lecture, how could the explanatory aspect of the lecture remain meaningful, especially where more difficult readings are concerned, without delivering a simplified and less voluminous precis of the materials? To simply post a set of lecture notes to a subject home pages without any critical awareness of the difference the medium makes too easily divorces teaching from educational objectives. The resolution of the dilemma was seen as residing in the primacy of student-centred learning. Explanation was to occur not so much through statements, but through questions. The lectures sought to take students through the readings very closely, posing questions and directing them to the particular passages in the readings which best explained the article or extract at hand and drew their attention to the issues which were the focus of the questions.

Where 'simple' web-lecture questions referred students to page references and the content of the materials, 'complex' questions required students to use the answers to the questions regarding content in order to compare and contrast different parts of the materials or particular arguments and themes from the different materials. In doing this, they were often reminded expressly of the critical and analytical objectives of the course, and of the requirements in assessable tasks, such as the exam, where they would be required to reflect upon the arguments and themes in the readings, making an argument in response to a question and supporting their answer with appropriate reference to the course readings.

The shift from personal face-to-face teaching to non-personal web lecturing raised questions about formality and communication. The web-lectures were intended to be informal and to some extent controversial. Does such informality set an inappropriate example when students are expected to write their essays in a formal and scholarly manner? While, as a matter of understanding, the absence of an academic may make little difference, the question of intellectual culture is more troubling. The face-to-face lecture imparts not merely knowledge alone, nor only the skills to analyse what is claimed to be knowledge. Crucially, it can impart by example the desire for knowledge. It is difficult to convey one's very personal passion for learning through a non-personal medium. The shift to web-based delivery is one which needs to be balanced carefully with the significance of such communication and with the possibility that in the push for budgetary savings and strategic marketing a faculty might lose its intellectual constituency.

The question remains, of course, whether students engaged in deep learning to any greater extent that they might have in the traditional lecture format. On the positive side, there were many students who saw the web-lectures as valuable. The extent to which students will engage in 'student-centred learning' seems less straightforward than the literature suggests at times and is compounded by a myriad of reasons why students do not want a deep and sophisticated approach to teaching and learning.

The continuing vitality of the case method in the twenty-first century
D D Garner
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Law school pedagogy is truly a unique feature of the legal profession. The widespread use of actual, decided cases, as the primary material through which students gain an understanding of the law, is a vast departure from the normal educational system in which the material taught has generally been substantially 'processed' prior to reaching the student. Interestingly, the rise of 'the case method' in legal education was not a gradual, natural development in the history of legal pedagogy. Rather, it was largely the result of an academic fiat by a single man: Christopher Columbus Langdell, Dean of Harvard Law School, in the early 1870s. Since that time, however, Langdell's legacy - the case method - has come under heavy fire, especially in recent years. As legal education enters a new century, it is appropriate to consider the vitality of the 130-year-old case method.

The novelty of Langdell's case method was that it cast out the textbooks, and in their place used cases, carefully selected and arranged to illustrate the meaning and development of principles of law. Instead of offering students the principles of law as ground up, pureed, and reconstituted by legal scholars who then spoonfed them to their infantile students, the case method confronted students with 'the law', rather than the law as construed by any particular professor. Moreover, the role of the professor was transformed from that of a revelator of dogmatic legal principles to that of a Socratic guide, leading the student to an understanding of concepts and principles hidden as essences among the cases.

Langdell's case method innovation offered a reasoned rationale - a 'scientific' theory - of legal education. In short, the great initial contribution of the case method was that it provided legitimacy and respectability to college-level legal education. To Langdell, law was a science and the students were the scientists. The effect of this last comment was that the burden of constructing the framework of legal doctrine was effectively shifted from the professor to the student. Thus, at an early stage, the case method made its claim to methodological supremacy on the grounds that it effectively taught students to 'think like lawyers'.

Although the original intention of the case method was to educate students on the core principles, or substance of the law, the focus shifted relatively early on. The case method requires students to read actual cases, picking out holdings, tracing the court's analysis, sorting the relevant

from the irrelevant, and distinguishing seemingly contradictory points of view. The process of making such an analysis requires the student, at least theoretically, to apply the same kinds of skills that a practitioner regularly uses. Teaching students to think like lawyers has become the touchstone of the case method. More than any other positive result of the case method, training the legal mind has most effectively withstood the test of time. The success of this rationale rests primarily on the fact that few have disputed its truth, especially when the alternatives were the lecture and textbook methods.

As the primary selling point of the case method, the concept of teaching students to think like lawyers forms the basis of a number of other merits of the case method. The case method teaches students how to teach themselves. On a daily basis, the amount of legal knowledge available in any given area of the law continues to grow at exponential rates. By forcing students to analyse cases on their own and critically integrate them into a coherent whole of 'law', the case method effectively equips students with the skills to be self-educators.

Another justification for the continued use of the case method is that refusing to simply lay out the legal landscape as plotted out by legal scholars in ivory towers forces the student to create her own mental framework for understanding the law. The result is that students' take ownership of their knowledge of the law, personalising it within the mental constructs they themselves have created. Critics argue that this is all good and well as long as the student is sophisticated enough to embark on such a difficult, active-learning task.

A fourth argument in favour of the case method is that it provides a more realistic view of the law than other methods. The critics argue that this justification is misleading. Students are not gaining actual experience with real clients and real disputes. They are reading about disputes that have already been resolved, some decades or even centuries ago. Moreover, casebooks consist almost exclusively of appellate opinions on narrow issues with limited facts.

Finally, the case method is also supportable for a non-pedagogical reason: institutional efficiency. When combined with the Socratic method of classroom dialogue, the case method may be used in large classes. The case method is also institutionally efficient from the standpoint that, once the initial materials have been collected, updating of casebooks is relatively easy through the addition of significant cases. On balance, it seems that the justifications for the continued employment of the case method in law schools remain valid. However, this is not to say that the case method is free from flaws.

Many of the criticisms of the case method are not really criticisms of the case method itself so much as criticisms of the narrow objectives to which it caters - ie. teaching students to 'think like lawyers'. In other words, the case method is concerned with mastery of legal reasoning skills rather than with substantive legal knowledge. Thus, the first group of criticisms levelled against the case method are, at bottom, objections to an educational method whose primary aim is process-oriented, rather than substance-oriented.

One of the concerns that regularly appear in critiques of the case method is that it is an inefficient way to convey large amounts of legal information. In response, few case method advocates would disagree that much more substantive ground could be covered by employing a lecture method in which the professor simply spells out the black-letter law while students laboriously take notes. Covering massive amounts of substantive material is of little use if the student is unable to retain any of it. More fundamentally, however, the case method advocate would point out that the inefficiency argument is not really an attack on the case method itself; rather, it is an attack on the objective of the case method. Thus, when critics argue that the case method is inefficient, what they are really saying is that, in their view, the case method is aiming at the wrong target.

A second critique of the case method is that it minimises the importance of legislative enactments. Again, this criticism is not based on the assertion that the case method itself is inherently invalid; rather, it is based on the assumption that the scope of the case method is unduly narrow.

Some scholars assert that the case method fails to teach students about practical problems with which lawyers commonly deal outside of the litigation context. Indeed, the vast majority of cases are never even tried. This focus on appellate cases obscures the lawyer's role in the process. As the popularity of alternative dispute resolution forums rises, the ability of lawyers to enter practice with skills in such areas as mediation, negotiation, and counselling is becoming increasingly important. However, by definition such skills cannot be taught more than tangentially by way of the case method. Here again, this is a valid criticism that points out not that the case method itself is flawed, but that its narrow scope excludes the possibility of educating the student in areas of critical importance to today's lawyer.

The second group of criticisms aimed at the case method focuses more on the application of the case method in actual instruction. The case method has been cited for focusing so much on the intellectual analysis of courts that the policy bases and the ethical foundations for law are sometimes overlooked. Nothing inherent in the case method mandates this result. Cases and casebooks certainly deal with issues of policy and ethics, and presumably, thinking like a lawyer means taking such issues into consideration in formulating legal opinions. Thus, the lack of discussion on such issues, where it exists, seems to be more a product of a professor's preference than a method inadequacy.

The case method has also come under fire for failing to take into account extra-legal factors that impact legal decisions. Political, social, and economic factors often play a large role in the development of law. Moreover, relevant information from the fields of psychology and insurance as well as a host of others is often overlooked by strict adherence to the case method. This criticism makes a good point, but the solution need not be the abandonment of the case method. Rather, the solution is for casebooks to include and professors to provide such relevant materials.

The case method breeds boredom. Student interest cannot be maintained at a high level for three years. Week after week, students are asked to read twenty to thirty pages a night for each class. The repetition leads to boredom and numbness. Even ardent case method advocates might concede this point. However, if it is that boring, maybe the problem is not with the method, but with the profession. The enthusiasm and methodological variety with which the professor approaches a topic can often cure 'methodological boredom'.

Some scholars have argued that students, especially in the first year, are too immature to make a good synthesis of legal doctrines or concepts, based upon case materials. It is certainly true that the case method of education generally represents a vast methodological departure from the methods that most incoming law students experienced during their undergraduate studies.

Within the scope of the objectives the case method seeks to achieve, the method has proved to be effective and should continue to be used. Nevertheless, the case method is subject to legitimate criticisms. However, most if not all of these criticisms can be dealt with by (1) confining use of the case method to situations in which its basic objectives coincide with the objectives of the course; (2) altering case books and teacher application of the case method in order to address criticisms; or (3) recognising that some criticisms of the case method are inherent in the law school institution and as such are independent of the case method itself.

Socratic misogyny? - analysing feminist criticisms of Socratic teaching in legal education

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If legal education were known for nothing else, its pedagogical claim to fame would undoubtedly be the widespread use of a unique method of classroom instruction bearing the cryptic moniker, 'the Socratic method'. It is so entrenched in modern American legal pedagogy that a law school just isn't a law school without the Socratic method. The popularity of the Socratic method in legal education has made it the subject of numerous jokes, parodies, and humorous personal anecdotes. Among the unamused are a rising number of scholars who have challenged the methodological foundations of the Socratic method. They have joined students who have attacked the Socratic method as infantilising, demeaning, dehumanising, sadistic, a tactic for promoting hostility and competition among students, self-serving, and destructive of positive ideological values. In recent years, the liberated voices of feminist legal scholars have joined in the imperial exposure and have revived the debate over the continued vitality of the Socratic method in law school classrooms.

The modern Socratic dialogue resembles a game of 'hide the ball' in which the professor asks questions that he knows the answers to while his students do not. The object of the game is to produce the answer that the professor thinks is correct. If the student fails to answer correctly, personal humiliation follows in various forms.

Many rationales have been proffered to justify the adoption of the case and Socratic methods since their conception within the walls of Harvard Law School 130 years ago. The case and Socratic methods arrived on the heels of the textbook/lecture method and, at least in part, were a reaction to the inadequacies of textbook/lecture instruction. The Socratic method was seen, at least in part, as an effort to rescue students from the endless droning of lecturing professors by requiring students to participate in their own learning. Second, in contrast to the passivity of the textbook/lecture method, the Socratic method purports to provide a more active learning environment. Third, the Socratic method is an empowering method because it shifts some of the responsibility for learning directly onto the student. In addition, the Socratic method has been praised for helping students to develop analytical skills and to think on their feet. Finally, the Socratic method has been praised for its ability to instil in students a sense of the complexity of the law.

Unfortunately, not all rationales underpinning the adoption of the Socratic method are based on the goal of effective pedagogy. In fact, a number of ulterior motives have been ascribed to the adoption and continued use of Socratic teaching in legal education. The first rationale was the desire to gain respectability for the law as a subject worthy of academic scholarship. A second rationale was that the Socratic method provided financial benefits to the collegiate institutions by offering an educational program or innovation that allowed one person to teach even more students.

A third rationale is that, now that Socratic teaching has been the established mode of legal education for decades, new law professors gravitate to it because most of them experienced it as students, and, in the absence of any formal training in teaching methods or theory, it is natural for them to use it when they begin to teach. A fourth inauspicious motive is that the Socratic method is convenient for professors. Since Socratic teaching effectively shifts the original burden of organising and synthesising material to the student, professors are relieved, at least in part, from the pressure to explain the fine points in complex areas of law.

Despite the rationales favouring the Socratic method, it has never been in short supply of detractors. First, even some advocates of the Socratic method concede the fact that the Socratic method has lost its hold on law students by the second year. A second general criticism is that its reliance on vicarious learning is a hoax. Since a Socratic dialogue generally consists of a conversation between the professor and one student, much of the student 'doing' must be vicarious. Proponents of the Socratic method, however, have justified its one-on-one dialogue in large class settings because, when professors call on students at random, the risk of being questioned induces vicarious participation.

Despite the criticisms of the Socratic method that have abounded from its inception, the entrance of women into legal education portended a distinct set of criticisms against the method. Over the past