

tulated that individual law teachers typically assess the learning material needs of their students alone. Little is known about the process whereby law teachers develop or recommend learning materials for their students. The research had four major objectives: (1) to identify the extent to which law teachers are involved in curricular development; (2) to clarify, in the process of course development and delivery, how law teachers select the learning materials they recommend for their students; (3) to identify in detail the factors which condition the selection process; and (4) to assess student responses to the material with which they are provided or are recommended to use or buy. Data-gathering was carried out by administering a questionnaire to 458 law teachers (response rate = 28%) and focus groups were used with law students.

What appears from the research findings is that the key learning materials for the teaching and learning of law are the textbook and handouts produced in-house. The features deemed to be of importance to the lecturers and students alike are that texts are up-to-date and that they are appropriate for the course content. There is agreement that a textbook should be readable and accessible. Students seem to prefer learning materials which help them 'pass the course', rather than primary sources, which are considered time-consuming and unnecessary.

The ACLEC Report was clear in its message concerning the liberal law degree. It advocated the contextualisation of the law and a variety of approaches to legal scholarship. Can the learning materials we recommend achieve this or are we recommending textbooks for purchase which are geared to passing the course?

Law teachers thought the response of their colleagues to a text to be very important, yet very few of them were influenced by good book reviews, possibly because few read them. Rather than developing a legal education which contextualises and draws upon interdisciplinary aspects, it may be that we are being too insular in our approach. It seems from earlier research very few of us read a variety of journals, yet those who do, do so to update knowledge. Despite the plethora of learning materials increasingly available in law, the textbook approach is still at the forefront of law teaching, along with handouts developed in-house. The lack of reliance on wider/contextual material is disturbing, as is probably the move to 'individualism' by law teachers. It may be ironic that at a time of modularisation, in part geared to student mobility between courses, institutions and even countries, their learning experiences become more and more 'bespoke' and less standardised.

Why is it that students feel the need to purchase additional materials, particularly when the range of learning materials used include, in addition to the lecture, a textbook, casebook, statute book and in-house materials? Is there still an over-reliance in assessment on the three hour unseen examination, in which regurgitation of material is expected? Are we educating law students in the way the ACLEC Report proposes, that is a liberal, contextualised legal education, or are we simply tutoring students to pass the examination? These questions should be given greater consideration when selecting and recommending learning materials.

A course whose time has come: using science fiction materials to teach law

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22 *Alt LJ* 3, 1997, pp 111–113

Where do the masses of people learn about the law? What shapes their views? Some peruse learned treatises, others read daily newspapers or tune in to the nightly news. Some have been to law school. Many people also rely (whether consciously or not) on popular culture for their understanding of law and the legal system. If popular culture helps to shape the public's view about legal issues, it also reflects those views. By its nature as a mass commercial product, popular culture is unlikely to depart radically from images which the public will accept. By examining popular culture, we, the legally trained, can get an idea about how we and the things we do are understood and viewed by the rest of the body politic.

Some have argued that as the populace has become more crime-weary, defence-oriented lawyer-heroes such as Atticus Finch and Perry Mason have begun to give way to prosecution heroes such as Sylvia Costas on *NYDP Blue*, Miriam Grasso on *Murder One* or the prosecution team from *Law and Order*. Others have noted that lawyer jokes and the use of the lawyer as a negative figure are rampant in television, movies, cartoons etc. Popular culture has messages for the legal profession, if we choose to listen.

Studying law and popular culture can be important for at least three different reasons. It can show the legal profession how we are perceived by the general public and help us identify problem areas in which the public does not correctly understand an issue (requiring lawyers to educate the

public) or areas where real change is needed (requiring law reform efforts). It helps to shape the popular understanding of law and the legal system. It provides a common ground of shared material which can be a starting point for discussion between lawyers and non-lawyers about the issues of the day.

Not too long ago the author was invited to teach an undergraduate course on law and popular culture. His goals for the course were twofold: on the one hand, he wanted to focus on the critique of the legal system in science fiction; on the other, he wanted to focus on actual law and legal materials, both to let students experience 'real' law and also to allow them to compare the popular view of law with actual law on the same subject. For the course the students read three novels, many short stories and legal materials, as well as viewed tapes. The first novel was Philip K. Dick's *Do Androids Dream of Electric Sheep?*, the basis of the movie *Blade Runner*. The second novel, *Circuit* by Melinda Snodgrass, is an explicitly legal tale in which a newly established federal court is used by the government to regain control of the off-world colonies. Told from a libertarian perspective by an author who is also a lawyer, the book is chock full of legal argument, manoeuvring and court procedure. The third novel, *Gladiator-at-Law* by Frederick Pohl and C M Kornbluth, presents a future dominated by large corporations where those who lose their employment contracts are banished to the slums of Belly Rave. The novel was particularly good because it focused on corporate law — an area not often addressed in science fiction.

Each class focused on a particular legal theme in fact and fiction: (1) the question of what is a person; (2) the

question of equality, privacy and autonomy; and (3) criminal law and procedure. When they started, the students thought the questions were easy. They were surprised to find that they had different views. The various views about personhood were given real-world application because they also examined two cases from the United States Supreme Court. *Dred Scott v Sandford* declared that African-Americans, whether slave or free, were not part of the body politic and had no standing in federal courts. The second case, *Roe v Wade*, declared in part that a foetus is not a 'person' under the Fourteenth Amendment.

The discussion of the issues was richer in many respects than in my graduate law classes. This can be partly explained by the willingness of undergraduate students to share ideas and themselves. It can also be attributed to the fact that the focus of the undergraduate class was not to acquire a detailed understanding of doctrine. However, part of the reason was the presence of the science fiction materials which provided a context for the legal ones.

A second major unit was devoted to conflicting goals of equality, privacy and autonomy. A key focus was the idea that we value all of these but that they can conflict. Amongst other material, we viewed a television presentation of *Harrison Bergeron*, a version of a Kurt Vonnegut short story about a future America where everybody is required to be the same by law and those with exceptional abilities are handicapped in the name of equality. For our criminal law and procedure class we viewed the film *Outland*, an outer space version of *High Noon*. Other classes focused on the role of lawyers in the legal sys-

tem, government and international law.

Even those students who did not think they liked science fiction were able to see the relevance of the materials to the legal issues. Students saw points discussed in the cases reflected in the science fiction and could discuss how accurately the latter had or had not captured key legal points. It appears that science fiction can be a rich source of legal issues and ideas for students to explore. As law and popular culture studies grow, they should not be overlooked.

Problem based learning in legal education: intentionally overlooked or merely misunderstood

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31 *Law Teacher* 2, 1997, pp 180–197

Problem based learning (PBL) has gained wide acceptance in a number of professional fields, notably medicine and architecture. Legal education, however, appears to be offering strong resistance, as only a handful of law schools and practical training institutions have incorporated PBL into their curriculum. Is PBL being intentionally overlooked or is it merely misunderstood?

The introduction of PBL is much more than mere curriculum change. It involves far reaching consequences for teachers, students and course administrators. PBL is not the case method of teaching law. The case method is a teaching method in which students are allocated prescribed cases to read prior to each class and the cases are discussed using the 'Socratic method'. Neither is PBL the use of hypothetical questions posed by teachers using the Socratic method of teaching students. Another common misconception is that PBL is a technique which is utilised at the end