

twelve years, feminist legal scholars have begun to explore the differences in the way men and women law students experience law school. Such feminist critiques of legal education have included both experiential and empirical studies covering a wide variety of issues relating to women's law school experiences, from reasons for going to law school, to grades, to self-esteem, and so on. A few of these studies have drawn conclusions specifically relating to the use of the Socratic method. Others have collected data that relate to classroom dynamics and thus may provide indirect insight into the experiences of women with the Socratic method and the questions concerning the continuing value of Socratic teaching.

It is virtually undeniable that there is in fact a gender-based discrepancy in the amount of classroom participation between men and women law students. Every study addressing the issue has confirmed this result, regardless of the demographic makeup of the sample. While a conclusive cause-effect relationship remains somewhat elusive, the anecdotal evidence and available statistical data support an inference that the traditional Socratic method of legal pedagogy is at least partially responsible for negative experiences of women in legal education.

Assuming that causation can be established between levels of classroom participation, professor conduct, and Socratic teaching, the differential experiences of women in the Socratic classroom can be interpreted through the lenses of various feminist theories. Feminist critiques of law school and the Socratic method are based upon the assumption that women experience law school differently from men and that the different voices women bring are something that should be valued as a viable source of reform in legal education. As this is the fundamental tenet of difference theory, it is not surprising that many of the studies discuss the work of Carol Gilligan, the most prolific advocate of difference theory, and the fundamental values of difference theory as a framework within which to criticise the current system of legal education. Dominance theo-

rists would counsel the abandonment of the Socratic method - a method created and perpetuated by a male-dominated legal hierarchy.

The fundamental question arising from the feminist research with respect to the Socratic method is whether the method is compatible with the educational needs of female law students. Some of the studies have answered the question with an emphatic no. Others have argued that it is women, not legal education, that must change. The most viable alternative, however, lies between these two extremes.

Despite feminist criticisms levelled against it, the Socratic method deserves a continued place in legal pedagogy. Nevertheless, many of the criticisms are valid, and, thus, certain accommodations, as well as fundamental changes, should be implemented to counteract the negative effects traditionally attributed to Socratic teaching.

The challenge in reconstructing such an 'improved' Socratic method is to avoid doing so in a manner that effectively calls for an 'add women and stir' approach. Clearly, a Socratic method that satisfies women's concerns would focus on transforming social institutions, not just assimilating women within them. The studies suggest that law professors can do much to eliminate, or at least mitigate, the differential classroom dynamics among men and women law students. The professor's role in this arena is to remove obstacles that tend to inhibit student involvement.

Although caring, sensitive, and devoted teachers are the primary component of a feminist-friendly Socratic method, law schools as institutions can and should do more to alleviate the differential impact of Socratic teaching on women law students. First, the law school should make pedagogical potential (rather than strictly academic credentials) a higher priority in the process of selecting professors. Second, law schools should provide support for both internal and external pedagogical training of law professors. Third, law schools should foster an open dialogue with students regarding the rationale behind the employment of the Socratic method.

While the procedural accommodations suggested above are an important step in the right direction, more fundamental changes in the substance of Socratic teaching are necessary to tap the full potential of this teaching method and to humanise its use in law school classrooms. The Socratic method should not be a destructive tournament where gladiators of unequal power and experience vie to the death. Rather, the effort is, or should be, a cooperative one in which the teacher and students work to understand an issue more completely. The goal is to learn how to analyse legal problems, to reason by analogy, to think critically about one's own arguments and those put forth by others and to understand the effect of the law on those subjected to it.

TECHNOLOGY

The claims and challenges of computers in learning the law

R Jones & K Randall

7 Int'l J Legal Prof 3, 2000, pp 287-305

Throughout the last thirty years, claims have been made for computers, computer assisted instruction (CAI) and more recently for communication and information technology (C&IT) as educational tools. It is not disputed that CAI has failed to meet these claims and has not attained its full potential. Initially simple challenges, such as insufficient computers, or the difficulty of use, provided too many barriers to both teachers and students. These challenges have steadily declined and technology is now readily available and accessible.

Yet, as these challenges have been met, new challenges within legal education have surfaced, namely: the desire to move away from rigid doctrinal teaching; the need to encourage lifelong learning, providing opportunities for continuing training in the law; the changing nature of the law and the operation of the legal system; the dwindling of traditional opportunities in the profession; the pressure to continue to increase student numbers; and the competition, both national and global, through distance learning and Internet-based courses.

It may be time to consider the more revolutionary approach of developing suites of generic applications that can be taken and used by all academics within the context of their own educational aims and objectives. It is a change from the provision of programs that direct a particular learning sequence to programs that manage the learning process and are generic.

In its infancy CAI was claimed to be able to democratise education by delivering the same high-quality education to all learners. IT was claimed to have the ability to provide individual, self-paced and adaptive learning. CAI systems could within reason 'pattern match' users' responses, giving the user a 'feel' that the system was able to meet their individual needs. Instant feedback and correction could reinforce and correct and, if necessary, links to other technologies could provide a richer learning environment.

The early CAI lessons produced in the UK faced significant challenges to their development and in their use. The challenges fall into three broad categories: those that acted against the production of high-quality programs; those that created barriers to their use; and those that prevented proper implementation and evaluation.

Initially, the quality of the early CAI materials was either poor or perceived as poor. This was due to a number of factors that arose from a desire to use technology, no matter how limited, for technology's sake. The second group of challenges comprised those barriers that naturally exist to the use of CAI materials. Unlike the book, or programmed learning books that required little expertise, CAI required institutions to have adequate resources to access the programs. Staff were needed to install and run the programs and few law faculties had either the equipment or the support. The effect was that students were deflected from program use. They were naturally unwilling to devote time and effort to obtain a resource that was unreliable or unavailable.

The third challenge was a consequence of there being only a small quantity of CAI materials. The small number of programs, recognised as being individualistic, did not

provide a sufficient body of material to allow a full review of their potential or the examination of mechanisms to embed them into the curriculum.

Some challenges have, however, been met. Chief among these is the problem of resources. Many universities have invested substantially in technology and strategies are now being considered to widen access.

A further challenge to higher education and therefore to legal education is the changing perceptions of the student body itself. It is probably true to say that the imposition of student fees has made students much more demanding, in that they perhaps now see themselves as being 'consumers'. They want value for money and therefore would seem to expect, at the very least, extensive course materials and support and, at best, the use of high-quality technology in the delivery of their education. The challenge to educators is being able to meet this demand. It would also appear that many students now enter higher education with many IT skills. Again, the challenge to educators is to harness these skills and to make best use of them by exploiting such skills in the curriculum.

There remains a small but significant number of challenges to CAI, previously isolated, that have yet to be addressed. The first is the issue of 'barriers' to use. IOLIS, as with virtually every other system used by law students, is reliant on the keyboard and mouse, relatively primitive forms of communication and interaction, which in no way approach the richness of personal interactions. Secondly, the mere provision of such rich interactions and access does not of itself create an effective learning environment. It has been suggested that some thought should be given to training authors in the appropriate use of the hypertext systems in IOLIS and in the development of asynchronous communication systems and other techniques to encourage collaboration. Finally, there is the challenge to win over tutors and embed IOLIS into the law school curriculum. It is unlikely that IOLIS usage at this stage will show a massive change in CAI usage.

Implicit in the requirements of deep learning is the ability of the learning envi-

ronment to adapt to the learner's style. With no obvious consensus on learning styles, it would be unreasonable to expect any system to adapt to all styles. The IOLIS workbook, as with other systems, is, however, based on a learning style as determined by the author with no direct mechanism to adapt to the learning style of the user.

It has been suggested that the present IOLIS system, because of its single-user base, may encourage shallow learning. Decreasing the amount of 'law' to be learnt and encouraging a move to non-doctrinal law teaching may leave IOLIS and other such subject based systems wrong footed and unable to cope with radical changes predicted with higher education. The single-user base, the static subject content and the single learning style make it unsuited to the needs of the legal education environment, where the trend will be towards less emphasis on doctrinal learning, whether there is encouragement to develop strategies that enable deep learning and where the culture is of distance and lifelong learning, in an education market that will respond to market conditions and will demand innovation in learning.

The move from 'dumb' to 'smart' to 'intelligent' C&IT systems will enable technology to provide for the new needs of legal education. The revolution, then, rather than providing a complete 'take it or leave it' system, would provide tutors with access to legal information and the ability to represent that information in the way the tutor felt appropriate. This system could then be made available for the learner either as an individual program with which the student worked or as a program that managed the interactions of a number of students. The program would have the capability of understanding the needs of the user and adapting the presentation of the material accordingly, with parameters set by the tutor.