

# THE SOCRATIC METHOD RELOADED: HOW TO MAKE IT WORK IN LARGE CLASSES?

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## ABSTRACT

*The Socratic method with its constant questioning poses a challenge to students, more so than any other teaching method. By the same token, it teaches law students what they need to know: legal analysis, critical thinking and verbal skills. In court, in the negotiation room, in the lecture theatre, a lawyer needs to be able to react to new allegations or novel arguments on the spot. Practice makes perfect. Where, if not at law school, is this practice supposed to take place? On the job would be too late as employers expect fully operational recruits from day one. Having said that, the Socratic method is not a panacea. The myriad of skills a good lawyer should be able to master can be best acquired by a mix of teaching styles.*

## I. INTRODUCTION

The raison d'être of law is to resolve conflicts – with arguments, not with arms.<sup>1</sup> How does one teach that to students? There is a strong case for modelling legal education on the everyday demands of a lawyer. The attributes which are at the core of the legal profession and considered essential in the graduate profiles of law schools are the ability to analyse legal problems and resolve them by appropriate and effective use of legal sources. This translates into the learning outcomes of law courses, such as the ability to understand legal principles, to apply legal norms to particular fact patterns, and to critique the law.

Because it is cost-effective, a lot of teaching, in particular in the first and second year, happens in large classes, making one-on-one interactions with each student virtually impossible. This external factor is beyond the control of the lecturer, begging the question of how to build a rapport with the students given the circumstances. There are different schools of thought as to the degree of interactivity desirable in big law classes. At some universities, law is taught in the classic lecture style with the lecturer talking

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1 I Kant *Perpetual Peace: A Philosophical Essay* (Frankfurt and Leipzig, 1796), First Supplement (Of the Guarantee of Perpetual Peace); MS McDougal "Law and Peace" (1989) 18 *Denv J Intl L and Poly* 1 at 4; M Koskenniemi "What is International Law for?" in MD Evans *International Law* (4th ed, OUP, Oxford, 2014) 29 at 48.

in monologue.<sup>2</sup> Others adhere to the “Socratic method” (defined in s II) and even set an explicit policy in this regard.<sup>3</sup> Paraskevas and Wickens contend that the average marks of students being taught in a Socratic way are higher as compared to classes taught in the classic lecture style.<sup>4</sup> Most law schools leave it to the lecturer to decide which teaching method to follow, depending on their individual preferences. Regardless of the teaching method chosen, any

worthwhile exam preparation requires knowledge application, for example exercises, and repetition.<sup>5</sup>

The present paper appraises the value of the Socratic method in modern legal education. Part II seeks to define the Socratic method. Part III expounds on the challenges a Socratic teacher faces and gives tips how to address those, while Part IV elaborates the advantages of this teaching method. Part V examines whether the Socratic method is a suitable tool for big law classes. Part VI sums up the findings.

## II. THE SOCRATIC METHOD DEFINED

The term “Socratic method” is largely misused,<sup>6</sup> and its meaning is disputed.<sup>7</sup> The Oxford Dictionaries Online defines the Socratic method as a “dialogue with others in an attempt to define ethical concepts by exposing and dispelling error”.<sup>8</sup>

Neumayr pronounces that “[t]here are two ways to come to knowledge; through discovery and by being taught.”<sup>9</sup> Socrates (469–399 BC) was an advocate of the former. In his day, he was known for pestering people by asking sticky, yet fundamental, questions of life, such as: “What is virtue?”; “What does friendship mean?” He became quite unpopular among the ruling class for his obstinacy, which led to his end in the form of a cup of hemlock.

What seems to be clear is that the Socratic method is directed towards finding a “truth” or the “essence” of things through dialogue between the

2 L Taylor and others “Improving the Effectiveness of Large Class Teaching in Law Degrees” (2013) *New Zealand Law Review* 101 at 117.

3 Victoria University, Faculty of Law *Study and Careers* (8 Dec 2011) <www.victoria.ac.nz>.

4 A Paraskevas and E Wickens “Andragogy and the Socratic Method: The Adult Learner Perspective” (2003) 2 *Journal of Hospitality, Leisure, Sport & Tourism Education* 4 at 11.

5 B Rosenshine “Principles of Instruction: Research-Based Strategies That All Teachers Should Know” (2012) 36 *American Educator* 12 at 19, 39; J Dewey *Experience & Education* (Simon and Schuster, New York 2007) at 89.

6 AG Rud Jr “The Use and Abuse of Socrates in Present Day Teaching” (paper presented at the Annual Meeting of the American Educational Research Association, April 1990).

7 R Reich “Confusion About the Socratic Method: Socratic Paradoxes and Contemporary Invocations of Socrates” (1998) *Philosophy of Education Archive* 68.

8 “Socrates” (2014) Oxford Dictionaries Online <www.oxforddictionaries.com>.

9 JW Neumayr “Why the Discussion (Socratic) Method?” Thomas Aquinas College <thomasaquinas.edu>.

provocateur and respondent.<sup>10</sup> The belief is that only through this dialogue, entered into earnestly and honestly by both discussants, will a more accurate truth than held individually be discerned by both parties. In a law class, this would mean defining a legal concept through questioning, thus stimulating critical thinking.<sup>11</sup> The key is for the respondent to arrive at an answer through the assistance of the questioning by the provocateur. Importantly, the Socratic method works best with open-ended questions (not yes/no questions), although it has also been used to teach maths in elementary school.<sup>12</sup> Furthermore, Socratic lecturers do not purvey knowledge; they are not even teachers in a narrow sense, but facilitators.<sup>13</sup> Consequently, some people using the Socratic method would not even call it a “teaching method”.<sup>14</sup> The student experience is supposed to be that of a dialogue,<sup>15</sup> an intellectual journey.<sup>16</sup> Thereby, the Socratic method puts both students and lecturer on an equal footing; both are equal participants in that dialogue in keeping with the adage: “Tell me, and I will forget. Show me, and I will remember. Involve me, and I will understand.”<sup>17</sup> In a way, the Socratic method empowers students by making them responsible for the use of contact time.<sup>18</sup> Admittedly, the provocateur still sets the scene by raising the issue and directing the conversation through her questions.

- 10 RB Cain *The Socratic Method: Plato's Use of Philosophical Drama* (Continuum Intl Pub Group, London/New York 2007) at 8 f; TR Whiteley “Using the Socratic Method and Bloom's Taxonomy of the Cognitive Domain to Enhance Online Discussion, Critical Thinking, and Student Learning” (2006) 33 *Developments in Business Simulation and Experiential Learning* 65 at 66.
- 11 WC Heffernan “Not Socrates, but Protagoras: The Sophistic Basis of Legal Education” (1980) 29 *Buff L Rev* 399 at 401.
- 12 For an example of how to teach maths in a Socratic method, see R Garlikov “The Socratic Method: Teaching by Asking Instead of by Telling” (30 Jan 2011) <[www.sophia.ac.jp](http://www.sophia.ac.jp)>.
- 13 R Reich “The Socratic Method: What It Is and How to Use It in the Classroom” (2003) 13 *Speaking of Teaching* 1 at 1.
- 14 At 1.
- 15 R Reich “The Socratic Method: What It Is and How to Use It in the Classroom” (22 May 2003) Center for Teaching and Learning Stanford <[www.youtube.com](http://www.youtube.com)>.
- 16 Whiteley, above n 10, at 67.
- 17 JA Dickinson “Understanding the Socratic Method in Law School Teaching after the Carnegie Foundation's Educating Lawyers” (2009) 31 *W. New Eng L Rev.* 97 at 105; JD Jackson “Socrates and Langdell in Legal Writing: Is the Socratic Method a Proper Tool for Legal Writing Courses” (2007) 43 *Cal WL Rev* 267 at 274; DG Marshall “Socratic Method and the Irreducible Core of Legal Education” (2005) 90 *Minn L Rev* 1 at 9; A Moore “Conversion and the Socratic Method in Legal Education: Some Advice for Prospective Law Students” (2002) 80 *U Det Mercy L Rev* 505 at 508.
- 18 Reich, above n 15. *Contra* OS Kerr “The Decline of the Socratic Method at Harvard, The” (1999) 78 *Neb L Rev* 113 at 121.

That said, the Socratic method is not the same as “active learning”.<sup>19</sup> It constitutes a particular form of “active” learning,<sup>20</sup> following a particular *modus operandi* that is utmost disciplined:<sup>21</sup> at the beginning, the facilitator would raise an open-ended question, such as, “Is copyright protection, as it stands, too high?”, prompting follow-up questions (for example “In which circumstances?”),<sup>22</sup> leading to counter-examples,<sup>23</sup> thus eliminating initial false intuitions.<sup>24</sup> It bears noting that, commensurate with the Socratic method, interactivity is not an end in itself. Where the Socratic method, as applied in the classroom, differs from its historic original is that Socrates himself always dealt with one interlocutor only, not with a whole class of students.<sup>25</sup> Hence, a problem Socrates was not confronted with is the silence that might result in the lecture theatre from the lecturer posing a question. It is a matter of course that students need time to process a question.<sup>26</sup> Reich advises one to be comfortable with the silence that follows a question.<sup>27</sup> He submits that “silence actually creates a helpful tension.”<sup>28</sup> Research shows that an appropriate “wait time” is at least three seconds of silence to allow for processing and formulation of answers.<sup>29</sup>

19 RA Boyle “Employing Active-Learning Techniques and Metacognition in Law School: Shifting Energy from Professor to Student” (2003) 81 U Det Mercy L Rev 1 at 3 f. For a description of ‘active learning’, see Center for Teaching and Learning “What Is Active Learning?” (8 May 2008) University of Minnesota <[www1.umn.edu](http://www1.umn.edu)>.

20 Taylor and others, above n 2, at 113.

21 H Coffey “Socratic Method” UNC School of Education <[learnnc.org](http://learnnc.org)>.

22 Whiteley, above n 10, at 66, 68; Marshall, above n 17, at 11; Paraskevas and Wickens, above n 4, at 4. For an example see M Sandel “Justice: Episode 01, Part 1 – The Moral Side of Murder” (2011) Harvard University <[justiceharvard.org](http://justiceharvard.org)>.

23 Whiteley, above n 10, at 66.

24 Dickinson, above n 17, at 105. For another example of how the Socratic method can be used in law teaching, see “Socratic/Case Method discussion of *Arcane v People*” (2014) Sturm College of Law, University of Denver <[www.law.du.edu](http://www.law.du.edu)>.

25 Reich, above n 7, at 69.

26 Whiteley, above n 10, at 67.

27 Reich, above n 15.

28 At 15.

29 K Tobin “The Role of Wait Time in Higher Cognitive Level Learning” (1987) 57 *Review of Educational Research* 69 at 91; JP Riley “The Effects of Teachers’ Wait-Time and Knowledge Comprehension Questioning on Science Achievement” (1986) 23 *Journal of Research in Science Teaching* 335 at 341.

### III. CHALLENGES AND HOW TO ADDRESS THEM

#### *A. Class Participation*

The Socratic method presupposes that the students are willing to engage in a dialogue with the lecturer.<sup>30</sup> This requires courage.<sup>31</sup> Here the question arises of how to engage students that are shy by nature or simply prefer to sit back and absorb.<sup>32</sup> The bigger the class, the more of an issue this becomes.<sup>33</sup> In reality, the discussion will always be limited to a couple of students. The lecturer can mitigate that by varying the group of participating students each time. The lecturer can either inform the students that will be called upon in the next lecture (students as “teaching assistants”)<sup>34</sup> beforehand, or use cold calling.<sup>35</sup> In the latter case, the students need to be alert all the time as they do not know who is next.<sup>36</sup>

Ideally, the debate occurs not only between the lecturer and the student in “the hot seat”, but also among the students directly.<sup>37</sup> Therefore, it is important to explain the modus operandi to the students and set some basic rules for participation so as to make sure that the classroom environment is hospitable.<sup>38</sup>

It is crucial for the success of the Socratic method to lower the bar of fear by making clear to the students that the classroom is a training ground where mistakes are allowed.<sup>39</sup> An example of how not to do it is depicted in the film “The Paper Chase” starring John Houseman as the infamous Professor Kingsfield.<sup>40</sup> Instead of following Socrates’ example of admitting ignorance (“I know that I know nothing”),<sup>41</sup> he displays omniscience. So that students do not feel that they are put on the spot, the facilitator could give students time to discuss the question with their neighbours first (so-called “think-

30 K Seeskin *Dialogue and Discovery: A Study in Socratic Method* (SUNY Press, New York, 1987) at 32.

31 M Maxwell “Introduction to the Socratic Method and Its Effect on Critical Thinking” The Socratic Method Research Portal <[www.socraticmethod.net](http://www.socraticmethod.net)>.

32 Boyle, above n 19, at 3.

33 Jackson, above n 17, at 291.

34 Dickinson, above n 17, at 110.

35 Marshall, above n 17, at 15; PE Areeda “The Socratic Method (Lecture at Puget Sound, 1/31/90)” (1996) 109 *Harvard Law Review* 911 at 915.

36 Dickinson, above n 17, at 105; Jackson, above n 17, at 274 f; Marshall, above n 17, at 9, 16.

37 Marshall, above n 17, at 9.

38 Jackson, above n 17, at 288; Marshall, above n 17, at 14 f.

39 Jackson, above n 17, at 288.

40 “The Paper Chase (1973)” (12 Aug 2011) YouTube NZ <[www.youtube.com](http://www.youtube.com)>. Dillon outright denies that Kingsfield uses the Socratic method, JT Dillon “Paper Chase and the Socratic Method of Teaching Law” (1980) 30 *J Legal Educ* 529 at 531 ff.

41 “I know that I know nothing” (4 Aug 2014) Wikipedia <[http://en.wikipedia.org/wiki/Main\\_Page](http://en.wikipedia.org/wiki/Main_Page)>. Different when one applies the modern Socratic method, see Maxwell, above n 31.

pair-share”).<sup>42</sup> This is a good way to familiarize students with the method when applied for the first time.<sup>43</sup> That way, students will regularly feel more comfortable when they present their answer.<sup>44</sup>

The Socratic method can make people question established truths.<sup>45</sup> Ideally, long-held beliefs are put to the test.<sup>46</sup> When one’s value system is ruffled and one’s fallacies are exposed, it is natural to be at a loss.<sup>47</sup> But the ensuing discomfort is needed in order to kick-start a learning process. On this account, some commentators submit that the Socratic method is more suitable for adult learners.<sup>48</sup> Others maintain that the Socratic method has an adverse effect on women.<sup>49</sup> By the same token, students may feel reaffirmed when their convictions withstand Socratic scrutiny. The Socratic method helps students to reflect upon and critique their own arguments and opinions, thereby achieving greater assurance of themselves.<sup>50</sup>

To reduce stress, the lecturer could allow students to pass on a question.<sup>51</sup> Areeda recommends summing up the discussion at the end of a lecture and reiterating the outcomes at the beginning of the next.<sup>52</sup> Paul and Elder even do so during the discussion with a view to spurring further discussion.<sup>53</sup> It is advisable to give students some premises and break down a topic into

42 TA Holme “Using the Socratic Method in Large Lecture Courses: Increasing Student Interest and Involvement by Forming Instantaneous Groups” (1992) 69 *Journal of Chemical Education* 974 at 974, 976.

43 Reich, above n 15.

44 Other ways would be the use of clickers, raised hand polling or a quiz (for example, lecturer asks questions with 4 options, students have a 1, 2, 3, and 4 on sheets of paper and are asked to show what they think).

45 Seeskin, above n 30, at 32 ff.

46 Whiteley, above n 16, at 66.

47 Marshall, above n 17, at 12; Paraskevas and Wickens, above n 4, at 4, 6.

48 Paraskevas and Wickens, above n 4, at 11. Goldman contends that the Socratic method is unsuitable for children, L Goldman “Warning: The Socratic Method Can Be Dangerous” (1984) 42 *Educational Leadership* 57.

49 Taylor and others, above n 2, at 114; BV Madison “The Elephant in Law School Classrooms: Overuse of the Socratic Method as an Obstacle to Teaching Modern Law Students” (2008) 85 *University of Detroit Mercy Law Review* 293 at 301; Jackson, above n 17, at 292 ff. *Contra* JL Rosato “The Socratic Method and Women Law Students: Humanize, Don’t Feminize” (1997) 7 *S. Cal Rev L & Women’s Stud* 37; Kerr, above n 18, at 118 f, 121 f, but see 131 f. In the author’s personal experience, there are no significant differences between male and female students in terms of class participation.

50 Critically, R West “‘Socratic’ Teaching Is a Thing of the Past” *The New York Times* (15 Dec 2011). But see for a student comment on the Socratic method D Becker “Studying Law Without the Socratic Method” Marquette University Law School Faculty Blog <law.marquette.edu>.

51 Kerr, above n 18, at 123; SC Segerstrom “Perceptions of Stress and Control in the First Semester of Law School” (1996) 32 *Willamette L Rev* 593 at 604; Areeda, above n 35, at 918.

52 Areeda, above n 35, at 919.

53 R Paul and L Elder “Socratic Teaching” (April 1997) *The Critical Thinking Community* <www.criticalthinking.org>.

several sub-questions in order to make it easier to manage the discussion.<sup>54</sup> If necessary, the lecturer must interrupt a student so as to stay in control of the discussion.<sup>55</sup>

The criticism levelled against the Socratic method is acute when it constitutes the only form of feedback students get before the final exams.<sup>56</sup> However, there are many other forms of assessments, such as mid-term essays and online quizzes, with which the Socratic method can be combined. Thus, feedback is not limited to class participation.

### *B. Preparation Work*

It is submitted that the Socratic method entails a higher workload for students and lecturer alike.<sup>57</sup>

#### **1 The Lecturer's Perspective**

As opposed to a classic lecture, a Socratic lecturer cannot work out a detailed lesson plan, as it is not clear at the outset where the discussion is heading.<sup>58</sup> For the same reason, PowerPoint is not compatible with this method.<sup>59</sup> Lecturers need to keep their spontaneity. To prepare a Socratic session requires a facilitator to transpose the content into unambiguous questions,<sup>60</sup> to anticipate the students' responses,<sup>61</sup> and to think of suitable follow-up questions.<sup>62</sup>

There are different ways how a lecturer can react to wrong student answers: the ideal would be to go back to the starting point and let the student find the answer themselves (so-called "self-discovery").<sup>63</sup> This can be supported by the lecturer paraphrasing the question or asking a simpler sub-question (so-called "scaffolding").<sup>64</sup> As a last resort, the lecturer can give the correct answer themselves.

54 Areeda, above n 35, at 919 f.

55 D Knezic and others "The Socratic Dialogue and Teacher Education" (2010) 26 *Teaching and Teacher Education* 1104 at 1106; Areeda, above n 35, at 921.

56 Jackson, above n 17, at 286. On how to grade class participation, see J Immerwahr "Grading Class Discussion" (1 Jan 2014) *TeachPhilosophy101* <[www.teachphilosophy101.org](http://www.teachphilosophy101.org)>.

57 MG Parkinson and D Ekachai "The Socratic Method in the Introductory Pr Course: An Alternative Pedagogy" (2002) 28 *Public Relations Review* 167 at 173.

58 Reich, above n 15.

59 *Ibid.*

60 Whiteley, above n 10, at 67.

61 Marshall, above n 17, at 14.

62 Whiteley, above n 10, at 67.

63 At 68.

64 At 68.

## 2 The Students' Perspective

Because the Socratic method draws on previous knowledge,<sup>65</sup> the students have a better start when they come to class prepared ("flipped classroom" concept).<sup>66</sup> A positive side-effect is that the lecturer can begin at a higher level. To facilitate this, students could be provided with a detailed hand-out of all subject matters covered in the course, including a table of relevant case law, the ultimate goal being to get away from content delivery and focus on knowledge application. It is important to explain to the students why they should read the hand-out before class: not having done so makes it difficult for those students to participate.

### *C. Time Constraints*

Because there is no lesson plan, no roadmap to follow, it may happen that students or the lecturer go off on a tangent.<sup>67</sup> It can be exciting to discuss something new and unexpected but, if it happens too often, it might also conflict with the curriculum. Undeniably, there are subjects that must be covered. Not to do so would be irresponsible of the lecturer towards the students and their future clients. There are two ways to accommodate that: first of all, by mixing the Socratic method with elements of a classic lecture; secondly, by focusing on legal principles instead of delving into all the niceties of case law that are subject to constant change anyway.

## IV. ADVANTAGES OF THE SOCRATIC METHOD

### *A. Critical Thinking*

The Socratic method makes people think.<sup>68</sup> It forces students to listen carefully and not to take statements at face value.<sup>69</sup> It teaches them to respond fast and "the ability to anticipate a contrary position".<sup>70</sup> It is one thing to know the law; it is quite another thing to understand it. The Socratic method will quickly reveal whether the latter is really the case.<sup>71</sup> Whether Moore is right in maintaining that "students lose perspective on the human lives involved in the cases"<sup>72</sup> is anyone's guess. Moore further fuels the fear that the Socratic method instils the wrong attitudes in law students, namely that there are no

65 Areeda, above n 35, at 915; Holme, above n 42, at 975.

66 Taylor and others, above n 2, at 131; Parkinson and Ekachai, above n 57, at 173.

67 Marshall, above n 17, at 12; Areeda, above n 35, at 916.

68 Maxwell, above n 31.

69 Dickinson, above n 17, at 104.

70 Moore, above n 17, at 509.

71 Jackson, above n 17, at 276.

72 Moore, above n 17, at 507.



right or wrong answers and that it is always possible to twist the law.<sup>73</sup> Against this, it could be argued that the Socratic method works as an eye-opener for students, as it brings home the message that there are two sides to the coin.

### *B. Verbal Skills*

The Socratic method makes students talk.<sup>74</sup> It forces them to formulate a legal argument and present it to their peers.<sup>75</sup> They thus become more self-confident public speakers.<sup>76</sup> Refutation does not unsettle them.<sup>77</sup> Public speaking forms an important part of the life of a lawyer and being able to make up an argument “on their feet” is an essential skill law students have to learn.<sup>78</sup> It would be worrying if the first time that a graduate spoke in public was in front of a jury. Compared to the courtroom, the lecture theatre constitutes a safe environment.<sup>79</sup>

## V. SUITABILITY FOR LAW

Legal discourse is premised on debate, analysis, conceptual understanding and critical thinking – all skills the Socratic method furthers.<sup>80</sup> Nevertheless, teaching law in a Socratic way may be tantamount to a cultural shock for lecturer and students alike: “Why not just give us the information we pay you for?” the students might ask. Areeda points out that:<sup>81</sup>

... the Physics Dep’t does not ask you to deduce the existence  
... of gravity by sitting under a tree until an apple falls on your  
head. They tell you straight out about gravity.

However, as Areeda acknowledges, imparting information is only one side of the coin.<sup>82</sup> As future lawyers, students need to be enabled to find out the law on their own.<sup>83</sup> More often than not, they will be faced in their

73 At 507.

74 Jackson, above n 17, at 280.

75 Marshall, above n 17, at 6 f.

76 Dickinson, above n 17, at 106; Madison, above n 49, at 324; Jackson, above n 17, at 274.

77 Jackson, above n 17, at 277.

78 At 282; CG Hawkins-León “The Socratic Method-Problem Method Dichotomy: The Debate over Teaching Method Continues” (1998) *BYU Educ & LJ* 1 at 14.

79 Jackson, above n 17, at 281.

80 Taylor and others, above n 2, at 113 f; Knezic and others, above n 55, at 1105, 1107, 1110; Dickinson, above n 17, at 99, 105, 113; Jackson, above n 17, at 277.

81 Areeda, above n 35, at 914 f.

82 At 915.

83 Jackson, above n 17, at 302 f.

professional lives with new legal issues, the answers to which cannot be found in any textbook.<sup>84</sup> It is established that students learn better by applying the knowledge instead of passively absorbing it.

Aside from that, teaching in a Socratic way is fun.<sup>85</sup> The method lends itself to case analysis, defining legal concepts and critiquing the law.<sup>86</sup> It is disputed whether it can also be used when there is a predetermined answer but, as mentioned above, the Socratic method has been successfully applied to teach maths.

## VI. CONCLUSIONS

There is no doubt that the Socratic method is challenging,<sup>87</sup> which, as such, is a good thing.<sup>88</sup> Some students love it, others despise it.<sup>89</sup> Naturally, students are afraid of cold calling and feel awkward when asked for the first time to speak in front of their peers.<sup>90</sup> They have to learn first how to make fast decisions, which requires a certain degree of creativity.<sup>91</sup> The salient point is that a lawyer who can handle this is the sort of lawyer clients want. Law, in particular in the common law countries, is adversarial; that is, the court system pits one lawyer against another. The Socratic method emulates what lawyers do and, since it teaches law students to “think like a lawyer”,<sup>92</sup> is conducive to their employability.<sup>93</sup>

Concerns that the Socratic method might negatively impact on the students’ self-esteem<sup>94</sup> can be remedied by explaining to them why questions are being asked, to wit: not to embarrass them but to get them thinking. Much depends, of course, on the way the lecturer reacts to student responses.<sup>95</sup> The Socratic method puts students right in the middle of things.<sup>96</sup> They are no silent spectators – one of the main criticisms of the classic lecture.

84 Areeda, above n 35, at 915.

85 See also Holme, above n 42, at 975.

86 Jackson, above n 17, at 271 ff; Marshall, above n 17, at 12.

87 Maxwell, above n 31.

88 JA Dickinson “Understanding the Socratic Method in Law School Teaching after the Carnegie Foundation’s Educating Lawyers” (2009) 31 *Western New England Law Review* 97 at 104 f.

89 PE Areeda “The Socratic Method (SM) (Lecture at Puget Sound, 1/31/90)” (1996) 109 *Harvard Law Review* 911 at 914 ff.

90 At 917.

91 At 917.

92 Jackson, above n 17, at 274, 276; Heffernan, above n 11, at 403 f.

93 Taylor and others, above n 2, at 114; Dickinson, above n 17, at 104; Areeda, above n 35, at 922.

94 Jackson, above n 17, at 286.

95 Dickinson, above n 17, at 110.

96 Coffey, above n 21.

All teaching methods have their strengths and weaknesses. For instance, there are indubitably better ways to impart facts than the Socratic method.<sup>97</sup> As Madison and Jackson note, the Socratic method cannot do the job on its own.<sup>98</sup> The best approach is probably a mix of different teaching styles,<sup>99</sup> thus accommodating different types of learners.<sup>100</sup> This promises to be more interesting for students too.<sup>101</sup>

97 Whiteley, above n 10, at 66.

98 Madison, above n 49, at 325; Jackson, above n 17, at 306 ff.

99 Taylor and others, above n 2, at 115; Madison, above n 49, at 320 ff.

100 Boyle, above n 19, at 1 f; SI Friedland "How We Teach: A Survey of Teaching Techniques in American Law Schools" (1996) 20 Seattle UL Rev 1 at 13.

101 Madison, above n 49, at 324 f.