

## **A single conversation with a wise man is better than ten years of study: A model for testing methodologies for pedagogy or andragogy**

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*Abstract: This article creates the Teaching Methodology Instrument (TMI) to help determine the level of adult learning principles being used by a particular teaching methodology in a classroom. The instrument incorporates the principles and assumptions set forth by Malcolm Knowles of what makes a good adult learning environment. The Socratic method as used in law schools is applied to the instrument to determine whether it displays more pedagogical or more andragogical principles.*

*Keywords: andragogy, pedagogy, adult learning, adult education, Socratic method.*

### **I. Introduction.**

In his seminal treatise “*The Common Law*,” Oliver Wendell Holmes stated that the most important thing in the life of the law is “experience” (Holmes, 1881). Usually the first opportunity for students to gain legal experience is in law school. For many law schools, students are hoping to gain experience which they will be able to apply to their real world experience. Law programs tend to focus on the education of adults. Law students usually have already obtained undergraduate degrees and may have real world experience already. Once they arrive on the doorsteps of a law program they often want to gain additional experiences and knowledge to further their careers and lives. Eduard Lindeman, a seminal figure in the field of adult education, expressed adamantly that adults need to learn through experience (Knowles, 1980, 1984a; Lindeman, 1926). “Too much of learning consists of vicarious substitution of someone else’s experience and knowledge” (Lindeman, 1926, p. 6). Lindeman (1926) further went on to write “[p]sychology teaches us that we learn what we do...Experience is the adult learner’s living textbook” (pp. 6-7). A question emerges: Do the teaching styles used in law schools focus on providing students with experience that will adequately prepare them for their professions? To answer this question teaching methodologies must be examined and evaluated according to the principles of adult learning.

Over the past century, professors of law programs have used a variety of delivery tools of instruction. Although many methods of instruction exist, some focusing more on pedagogical principles (teacher-focused education) and others more on andragogical principles (learner-focused education), there is usually some of each in each methodology (Conner, 2004; Knowles, 1984a, 1984b; Knowles, Holton, and Swanson, 1998). The amount of what type of techniques is usually determined by the instructor.

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The purpose of this article is to create an instrument to test a teaching methodology and determine whether it adheres more to pedagogical principles or andragogical principles. The instrument will be based on Malcolm Knowles' checklist of whether education and learning is more information based (pedagogical model) or experience based (andragogical model) (Saunders, 1991). An instrument is needed to establish empirical evidence related to the andragogical theory. Once the instrument is created a particular teaching methodology, the Socratic method in law schools, will be used to test the model.

## **II. Why use a law school methodology?**

Law school education has become a very controversial subject in the legal community (MacCrate, 2004). The American Bar Association released what is now known as the MacCrate Report in 1992. The report's primary conclusion was that there remains a continuing disconnection between what law school teaches and what "students need to learn for initial competence in practice" (Elson, 1994, p. 363). In recent years, law schools have been making several adjustments in an effort to improve the quality of education their students receive. These adjustments include restructuring curriculums (Bodie, 2006; Kozinski, 1997), emphasizing scholarship that would be beneficial to the legal community (Edwards, 1992), and identifying and naming the skills and traits necessary for the successful practice of law so that they may be taught to students (Chanen, 2007; Denney, 2007). Trying to decipher the literature on reforming legal education is difficult because there are so many different philosophies of legal education for different fields of law. The literature is very limited in empirical evidence and without evidence, law schools are reluctant to incorporate proposals such as the MacCrate Report (Elson, 1994).

Since law students are adults, the failure of gaining "experience" may be a reason for their struggles upon entrance into the practice of law. If so, determining whether "experience" is gained through current teaching methodologies for instructing adults in law school becomes a very important issue. Over the past century, law professors have used the Socratic method as the predominant delivery tool of instruction. Although many methods of instruction exist, the Socratic method appears to have gained the most attention in the academic literature (Kerr, 1999). One lens to look through to see if this method is providing the "experience" needed is the theory of andragogy.

A common theme found in the literature is the incorporation of "adult learning" principles in order to create an "experience" that is valuable to students. Currently the "pedagogical model employed by legal educators is designed to give students a set of experiences that will prepare them to adequately and effectively identify, classify and address legal problems once they pass the bar examination and enter the professional practice" (Butler-Ritchie, 2003, p. 43). The expectations of the legal profession and the practice of law are completely distinct, however, from what is learned in this law school "experience" (Elkins, 1996). A common doctrinal position of what legal education is intended to do was clearly stated by one law school professor: "legal education...is the place where you find out what law is, the place you begin to distinguish from what barstool pundits profess" (Elkins, 1996, p. 518).

This paper will be divided into four sections. The first section will examine what the Socratic method is and its application in legal education. The second section will compare andragogical and pedagogical types of learning and the model to be used for andragogical application. The third section will be the application of the andragogical model to the Socratic

method. Finally, the fourth section will analyze the findings of whether or not the Socratic method incorporates adult learning principles.

### **III. Let's have a dialogue: The usage of the Socratic method in Law School.**

When one thinks of the Socratic method, a vision of Professor Kingsfield from the movie *The Paper Chase* comes to their mind. Professor Kingsfield exemplified the Socratic method's use in law school, he would call upon a student to brief an assigned case, but would interrupt the student with questions until the student became so helplessly confused that the student's self-esteem was completely demoralized (Warkentine, 2000). Most doctrinal law professors believe that the Socratic method of instruction helps students to "think like a lawyer," with the goal of the process to provide students skills to analyze a case on their own (Niedwiecki, 2006).

The Socratic method has been an accepted fixture in law schools since Christopher Columbus Langdell began instructing law students in the 1870s (Friedland, 1996). The name comes from Plato's *Socratic Dialogues* (1987), in which a dialectic method of inquiry is established between two individuals asking questions surrounding a central issue. Plato contends that Socrates was convinced that the human mind in its normal condition discovers certain truths through its own energies, provided one knows how to lead it and stimulate it (Compayré and Payne, 1970). The Socratic method in adult education "involves the use of systematic questions, inductive thinking, and the formulation of general definitions" (Paraskevas and Wickens, 2003, p. 6).

The legal community lacks a commonly accepted definition as to what constitutes a Socratic style. Different professors apply their own versions of the Socratic method, since most of them have never been trained in the actual instructional method that the *Socratic Dialogues* sets forth. For the purposes of this paper, the following definition will be adopted: the Socratic method is a:

"pedagogical technique in which a teacher does not give information directly but instead asks a series of questions, with the result that the student comes either to the desired knowledge by answering the questions or to a deeper awareness of the limits of knowledge" ("Socratic Method," n.d.).

The Socratic method incorporates other preferred methods of instructions such as the "case study" or "case law" method, lecture, and small groups. Of these, the case study method is linked to the Socratic method, compared to other methodologies. Its design enables law professors to instruct and train a large class of students; and the discussion demonstrates the "logic, language and context of legal decision-making" (Butler-Ritchie, 2003). In a Socratic method-based class, students perform in a "variety of thought-demanding ways to explain, muster evidence, generalize, apply concepts, analogize, and represent in a new way" (Paraskevas and Wickens, 2003, p. 6).

In law school students are given an appellate case or a series of appellate cases to read. After they read these cases, they return to the classroom to participate in a discussion with the professor. The professor calls upon a student to engage in a dialogue with the professor what she has learned, why the courts came to decisions that they did, and how the legal rules adopted in the cases are important to the greater whole of that body of law (i.e. contracts, torts, property, etc.). The professor may either focus on one student by asking the series of questions, or may randomly jump from student to student with the questions. This process is known as the Socratic method. In using this method two particular strategies help the professor engage the students and

later enable them to get rid of their cognitive egocentrism: the *elenchus* and inspiring *aporia* (Paraskevas and Wickens, 2003). The mechanism of the *elenchus* works by probing each response from a student, and examining whether the entire set of beliefs held by that student is mutually consistent. The *elenctic* questioning aims at preparing the students not simply to replace passively their existing knowledge with new, but to actively pursue a new learning experience which is vital in the legal education process (Paraskevas and Wickens, 2003). As stated in Vlastos, the natural outcome of the mechanism of the *elenchus* is *aporia*, or confusion, because the Socratic inquiry never reaches the absolute truth (Vlastos, 1980).

Gregory Vlastos (1983), in his article *The Socratic Elenchus*, articulates four steps that should be taken in the application of the Socratic method. These steps, in the hands of a skilled instructor, would occur in the following manner:

*Step 1: A student presents a thesis which is elicited by the professor*

A professor calls upon a student to identify the holding of a case (the primary rule laid forth by the court). The student asserts a thesis: for example, "The defendant did not possess *mens rea* (criminal intent) because he caught his wife in bed with another man before he stabbed him." The professor considers the thesis false and targets it for refutation by playing devil's advocate.

*Step 2: The professor sets up the student*

The professor secures his student's agreement to further premises: for example, "Is one's criminal intent negated because of his passion? If that is the case, then passion is an affirmative defense and everyone would get off."

*Step 3: The professor dialogues with the student to think of the opposite position*

The professor then presents a string of questions that will lead the students in the desired direction. Each and every answer provided by the student goes through the *elenchus* process (tested, cross-examined, and possibly refuted by counter-examples). The professor must be cautious to not dismiss any answer; since it is the students who will have to refute inappropriate answers even if that means refuting the student's original thesis. In the example, this would be: "A defendant can still possess the criminal intent to commit a crime in the heat of passion, it just might be negated."

*Step 4: The professor provides the legal principle to be learned*

When a consensus is reached or in some cases not reached, the professor summarizes by presenting the students' solutions to the scenario. The professor should emphasize that this is the result of their knowledge and experience that was achieved through the continuous questioning. (Paraskevas and Wickens, 2003; Vlastos, 1983).

These four steps will continue to cycle as long as the professor is trying to guide the students to a desired outcome. One of the cornerstones of the Socratic method is that there is usually no correct answer, rather, the objective is to see how one can argue his or her belief of the truth. This method is an effective way to assist students in learning how to "think like a lawyer." This style is based on humility, irony, and fun: Humility on the part of the student, irony on the part of the student observers, and fun on the part of the professor (Stein, 1991).

#### **IV. Pedagogy vs. Andragogy: Who should we be focusing on in law schools?**

Much literature has been written about the differences between pedagogy and andragogy (Cartor,

1990; Gehring, 2000; Knowles, 1970, 1980, 1984a, 1984b; Marshak, 1983; Ozuah, 2005; Saunders, 1991). Those reviews raise some central ideas concerning how adult college students learn best (Birzer, 2004). However, very little has been written on whether andragogy applies to law schools. Most law students, after all, are adults. In order to further this discussion it is important to first clarify the difference between pedagogy and andragogy.

The publication of Lindeman's *The Meaning of Adult Education* (1926) began the mainstream discussion of adult learning. Malcolm Knowles, the "father of adult learning," began to synthesize the concept and brought to popular use the term "andragogy" which had previously been coined in Europe as the parallel to pedagogy (Saunders, 1991). Over the course of Knowles's work, he would eventually summarize six key assumptions about adult learners, which he said are the foundation of adult learning.

1. *Self-concept*: As a person matures, his/her self-concept moves from one of being a dependent personality towards one of being a self-directed human being. Adults tend to resist situations in which they feel that others are imposing their wills on them.
2. *Experience*: As a person matures, he/she accumulates a growing reservoir of experience that becomes a resource for learning. Adults tend to come into adult education with a vast amount of prior experiences compared to that of children. If those prior experiences can be used they become the richest resource available.
3. *Readiness to learn*: As a person matures, his/her readiness to learn becomes oriented to the development task of his/her social roles. Readiness to learn is dependent on an appreciation of the relevancy of the topic to the student.
4. *Orientation to learn*: As a person matures, his/her time perspective changes from one of postponed application of knowledge to immediacy of application, and accordingly his/her orientation towards learning shifts from one of subject-centeredness to one of problem-centeredness. Adults are motivated to learn to the extent in which they perceive that the knowledge which they are acquiring, will help them perform a task or solve a problem that they may experience, or are actually facing in real life.
5. *Motivation to learn*: As a person matures, the motivation to learn is internal. Although adults feel the pressure of external motivators, they are most driven by internal motivation and the desire for self-esteem and goal attainment.
6. *The need to know*: Adults need to know the reason for learning something. In adult learning the first task of the teacher was to help the learner become aware of the need to know. When adults undertake learning that they deem valuable, they will invest a considerable amount of resources (time, energy, etc.) (Forrest III and Peterson, 2006; Kidd, 1973; Knowles, 1984a, 1984b; Knowles et al., 1998; Lindeman, 1926; Ozuah, 2005; Thompson and Deis, 2004; Tough, 1979; Yoshimoto, Inenaga, and Yamada, 2007, p. 81).

Knowles argued that the learning process of adults is drastically different than a child's learning process (Birzer, 2004). These six concepts encompass the concept of a self-directed learner. According to Mezirow (1981), "[a]ndragogy is an organized and sustained effort to assist adults to learn in a way that enhances their capacity to function as self-directed learners" (p. 21). These six assumptions become a personal interactive agreement between the learner and the learning endeavor -- the "experience" (Birzer, 2004).

Malcolm Knowles distinguished these assumptions of andragogy with those of pedagogy

**Table 1. Comparison of the assumptions of pedagogy and andragogy.**

Regarding	Pedagogy	Andragogy
Concept of the learner	Role of the learner is a dependant one.	The role of the learner is more self-directed, but the movement from dependency to self-directedness occurs at different rates for different persons.
Role of the teacher	The teacher is expected to take full responsibility for determining what is to be learned, when it is to be learned, how it is to be learned, and if it has been learned.	The teacher has a responsibility to encourage and nurture this movement towards self-directedness.
Role of learner's experience	The experience learners bring to a learning situation is of little worth. The experience from which learners will gain the most is that of the teacher, the textbook writer, the audiovisual aid producer, and other experts.	As people grow and develop they accumulate an increasing reservoir of experience that becomes an increasingly rich resource for learning. People attach more meaning to learnings they gain from experience than those they acquire passively.
Primary technique of delivery	Transmittal techniques – lecture, assigned reading, AV presentations.	Experiential techniques – laboratory experiments, discussion, problem-solving cases, simulation exercises, field experience, and the like.
Readiness to learn	People are ready to learn whatever society says they ought to learn. Most people of the same age are ready to learn the same things.	People become ready to learn something when they experience a need to learn it in order to cope more satisfyingly with real-life tasks or problems.
How learning should be organized	Learning should be organized into a fairly standardized curriculum, with a uniform step-by-step progression for all learners.	Learning should be organized around life-application categories and sequenced according to the learners' readiness to learn.
Orientation of learning	Learners see education as a process of acquiring subject-matter content, most of which they understand will be useful only at a later time in life.	Learners see education as a process of developing increased competence to achieve their full potential in life. Learners want to be able to apply whatever knowledge and skill they gain today to living more effectively tomorrow. People are performance-centered in their orientation to learning.
Organization of curriculum	Organized into subject matter units which follow the logic of the subject from simple to complex.	Should be organized around competency/development categories.

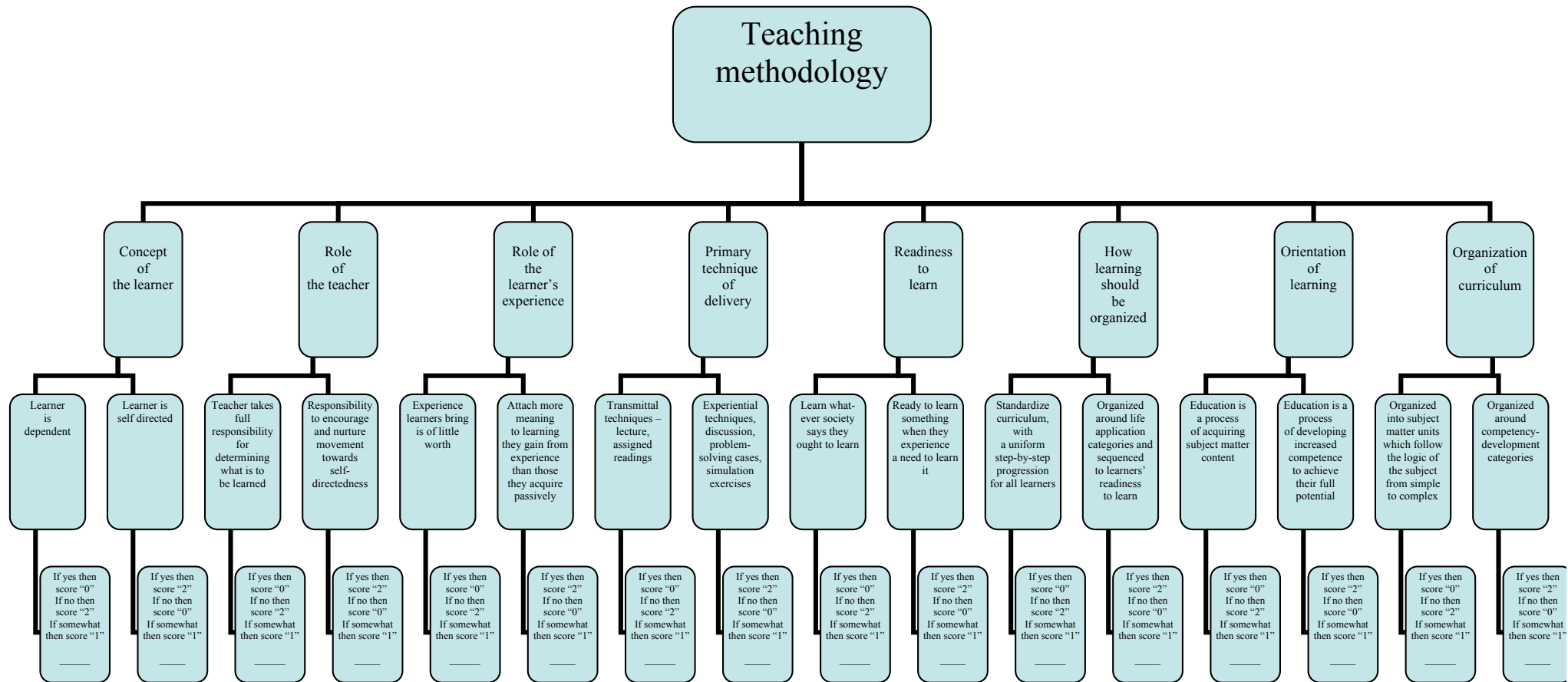
in an exhibit in his book *The Modern Practice of Adult Education* (1980, pp. 43-44). Table 1 is an adaptation of that exhibit.

To summarize Table 1, individuals mature as their self-concept moves from one of being a dependent personality toward being a self-directed adult. Individuals also accumulate a growing reservoir of experience that becomes an increasingly rich resource for learning. An individual's readiness to learn becomes oriented increasingly to the developmental tasks of their social roles. Finally, an individual's time perspective changes from one of postponed application of knowledge to immediacy of application. Accordingly, their orientation toward learning shifts from one of subject-centeredness to one of performance-centeredness (Knowles, 1980, pp. 44-45).

The comparison of the assumptions of andragogy and pedagogy provides a foundation for developing the *Teaching Methodology Instrument (TMI)* to examine whether a teaching methodology is using more andragogical principles or more pedagogical principles. The *TMI* can provide different levels of orientation. The instrument will help determine whether certain teaching styles are mostly learner-centered or teacher oriented. An instrument assesses the application of andragogical principles to a teaching methodology set forth by Malcolm Knowles. Figure 1 (below) is the *TMI* to test any teaching methodology to determine whether it is more pedagogical or andragogical. The model works in the following way:

1. A particular teaching methodology is chosen, for example, the Socratic method. It is inserted into the first box as the identified methodology to be tested towards adult learning principles.
2. Eight categories are examined as they apply to the method to be tested. The layer referred to as "Concepts of Regard" are the eight characteristics that distinguish pedagogy and andragogy according to Knowles.
3. The researcher would then answer the questions listed below each of the eight concepts. These questions are found in the next layer, the "Questions of Assumptions" level.
4. Below each question is the fourth level labeled as the "Box Score." For each box on the Box Score level the researcher is provided with three potential possibilities to choose from: "Yes" – meaning he or she overwhelmingly agrees with the statement, "No" – meaning that he or she overwhelmingly does not agree with the statement, "Somewhat" – meaning that he or she somewhat agrees with the statement because it depends on the situation.
5. The researcher then scores 0, 1, or 2 for each box on the Box Score level as indicated by the corresponding answer for that box. The scores will differ in each box.
6. After scoring each box, the researcher totals the 16 boxes. The sum is divided by 16; the resulting number is the score. The results may range from 0 to 32, with a median of 16. The closer to 32 on the scale, the stronger the presence of andragogy. The closer to 0 indicates stronger pedagogical principles. The researcher subsequently moves from top to bottom, and left to right throughout the model.

**Figure 1. Teaching Methodology Instrument.**





## V. Applying the andragogical model to the Socratic method.

In exploring whether andragogical principles are present, Knowles' assumptions can be examined in three areas: (1) Does law school instruction emphasize the skills of analysis and decision making through a series of job-related cases or problems? (2) Does the law school instruction establish a learning approach rather than a teaching approach by a series of planned structured activities enabling the learner to acquire the appropriate knowledge? (3) Is the law school instruction a practical, job-based approach keeping the learners constantly aware of the value of the training program to them and their work?

In applying the Socratic method to the *TMI* a researcher must provide a sixteen question questionnaire to the desired respondents. After a collection of a statistically significant number of responses the scores could be averaged and the mean score calculated. Once the score is calculated there would be a better understanding of whether the Socratic method is more andragogical or pedagogical. Table 2 provides an example of a questionnaire that may be applied. Simulated answers are created for the purposes of demonstrating how the model works. A simulated answer is italicized.

**Table 2. Sample Questionnaire for the Socratic Method.**

Questionnaire of the Socratic Method	
Question	Answer
1. In using the Socratic method is the learner dependent?	a. <i>Yes</i> b. No c. Somewhat
2. In using the Socratic method is the learner self-directed?	a. Yes b. No c. <i>Somewhat</i>
3. Does the teacher take full responsible to determine what is to be learned through the Socratic method?	a. <i>Yes</i> b. No c. Somewhat
4. Does the teacher have a responsibility to encourage and nurture moment towards self-directedness through the Socratic method?	a. Yes b. <i>No</i> c. Somewhat
5. Is the experience that the learner brings to the learning environment of little worth through the Socratic method?	a. <i>Yes</i> b. No c. Somewhat
6. Do learners attach more meaning to learning they gain from experience than those they acquire passively?	a. Yes b. No c. <i>Somewhat</i>
7. Does a teacher use transmittal techniques, such as lecture, dialogue, assigned readings, etc. in the usage of the Socratic method?	a. <i>Yes</i> b. No c. Somewhat
8. Does a teacher use experiential techniques, such as discussions, problem solving cases, and simulations exercises when using the Socratic method?	a. Yes b. No c. <i>Somewhat</i>
9. Do students learn whatever society says they ought to learn?	a. <i>Yes</i> b. No c. Somewhat

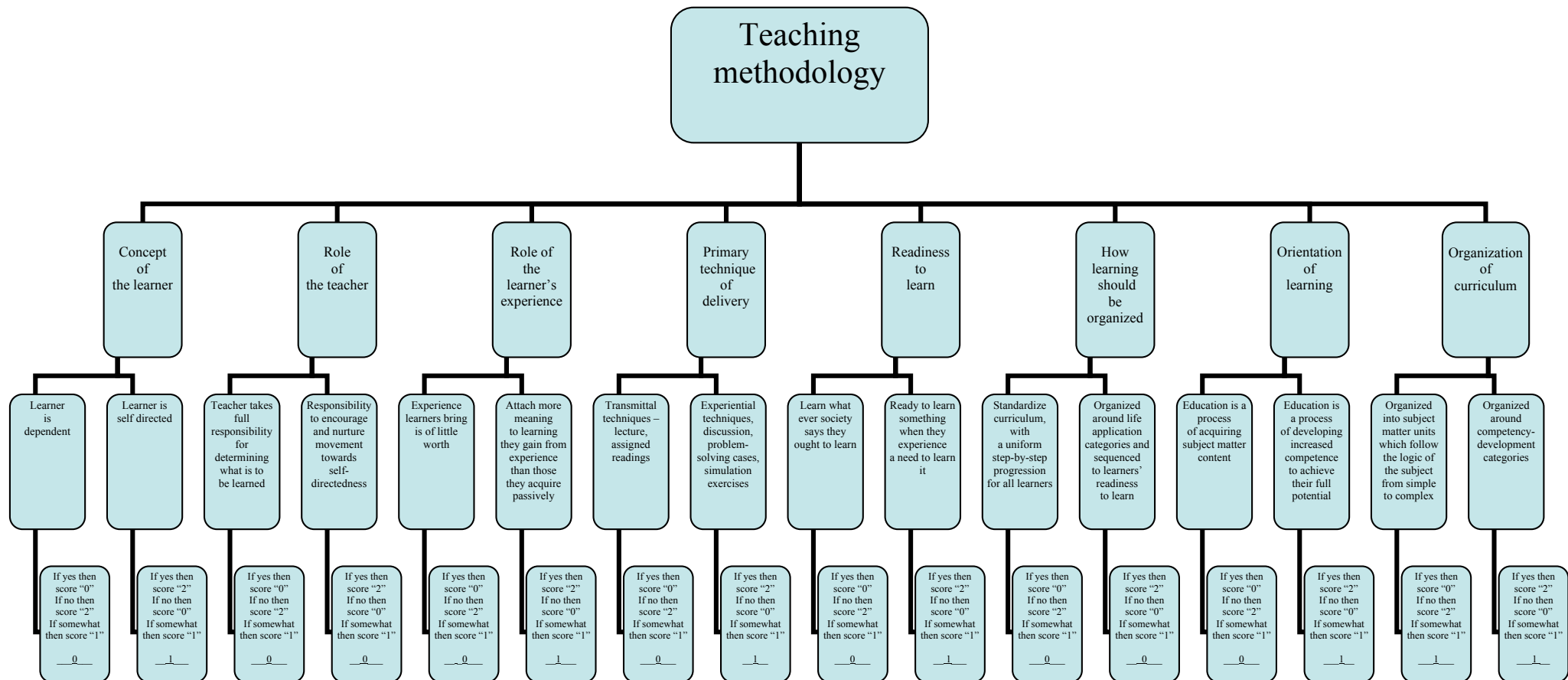
10. Is the student ready to learn something when they experience a need to learn it?	a. Yes b. No c. <i>Somewhat</i>
11. Is there a standardized curriculum with a uniform step-by-step progression for all learners through the Socratic method?	a. <i>Yes</i> b. No c. <i>Somewhat</i>
12. Is the Socratic method organized around life application categories and sequenced to learner's readiness to learn?	a. Yes b. <i>No</i> c. <i>Somewhat</i>
13. Is the primary objective of the learning process of the Socratic method focused on the acquiring subject matter content?	a. <i>Yes</i> b. No c. <i>Somewhat</i>
14. Is the primary objective of the learning process of the Socratic method focused on developing increased competence to achieve a student's full potential?	a. Yes b. No c. <i>Somewhat</i>
15. Is the curriculum organized into subject matter units which follow the logic of the subject from simple to complex?	a. Yes b. No c. <i>Somewhat</i>
16. Is the curriculum organized around competency and the development of categories?	a. Yes b. No c. <i>Somewhat</i>

An example of the results from a simulated questionnaire is displayed in Figure 2. A total score of "7" resulted from the exercise presented. This would indicate that the Socratic method tends to apply more pedagogical principles than adult learning principles. The Socratic method from the score would indicate that it is more teacher-centered than learner-centered. The professor establishes the curriculum, identifies the principles to be learned, decides which questions to ask, and the method by which the students are to be instructed. This is a very pedagogical line of thinking.

The theory of pedagogy indicates that the value of practical experience is more minimized. If a survey was conducted and the results were as indicated in Table 2, conclusions could be drawn that the Socratic method does not provide practical experience. From a pedagogical approach students tend to obtain the didactic concepts of the law, without receiving more of the physical and psychological skills which would be cornerstones to experience. It is important that this instrument be field tested. The sample analysis conducted in this paper was based on the first author's experience with the subject matter. Although it was not intended as a rigorous research test, it does lay the groundwork for future tests and confirmation of the instruments validity. The instrument develops a questionnaire consisting of sixteen questions, and a scoring system. Using a significant volunteer sample, a statistical analysis of the scores would determine if the teaching methodologies used are incorporating andragogical principles or pedagogical principles.

**Figure 2. Teaching Methodology Model: Application to the Socratic Method.**

Total Score: 7



## VI. Conclusion and Recommendations for Further Research.

The *Teaching Methodology Model* is a model to help determine the level of adult learning principles being used by a particular teaching style in a classroom. The model incorporates those principles set forth by Malcolm Knowles of what makes a good adult learning environment. When applied to a particular teaching method, in this case the Socratic method, a clear delineation of whether the teaching style is more pedagogical or andragogical in its approach is made.

Although this instrument has preliminary been tested with a law school methodology, its desired usage would be for a wide array of disciplines. If this instrument truly can predict whether or not a methodology is pedagogic or andragogic, it will allow for instructors to reflect more heavily on their teaching styles. As the literature indicates adults learn differently than children. Incorporating the andragogical assumptions into their teaching methodologies may provide for the improvement for adult education.

When we explored the Socratic method, it was discovered that it tends to focus more on pedagogical techniques. It avoids incorporating practical “experience” into the curriculum. How many other disciplines do this as well? Students learn more of practical experience from on the job performance and conversing with more experienced attorneys than they do from law school. The Chinese proverb holds true that “a single conversation with a wise man is better than ten years of study.”

The following are recommendations for further research:

1. The instrument should be tested with the Socratic method as well as other teaching methodologies to improve its ability to discriminate between pedagogical and andragogical teaching methodologies.
2. Although this instrument is intended to help assess how andragogical a particular teaching approach and methodology might be, it cannot assess the appropriateness or effectiveness of using one approach or another. Further research should be conducted to determine which approaches most effectively do prepare law students for the practice of law.

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