A Pedagogical Discovery Via the Seminar

Jerome Hall

Indiana University School of Law

Follow this and additional works at: https://www.repository.law.indiana.edu/facpub

Part of the Legal Education Commons

Recommended Citation
Hall, Jerome, "A Pedagogical Discovery Via the Seminar" (1949). Articles by Maurer Faculty. 1421. https://www.repository.law.indiana.edu/facpub/1421
LAW SCHOOL DEVELOPMENTS

Once a year, this department will carry figures on law school registration. In addition it will provide a medium for the description of experiments in curriculum, teaching method, and administration. Like "comments," the typical law school development note will be characterized by brevity and informality; unlike them, it will be descriptive rather than argumentative and will deal primarily with devices which have been tested in actual operation.

A PEDAGOGICAL DISCOVERY VIA THE SEMINAR

Jerome Hall *

Before recounting my discovery, I should like to say a word or two about the setting in which it occurred—namely, the seminar program at Indiana. Two years ago the Indiana law faculty decided to require each student, in addition to taking a research course and writing an essay, to take at least one seminar—two semester hours. The curriculum is so arranged that any faculty member, desiring to do so, can offer at least one seminar. The plan has been a signal success. It adds flexibility to the curriculum, permits students to engage in some specialization, has the advantages of small-group study, and gives the instructor an opportunity to advance his current research by paralleling it with the problems of the seminar. Not the least satisfaction is the surprisingly good work of many otherwise average students when they are studying the field of their particular interest under stimulation of the methods of the seminar. The sheer quantity of work that such students often do, quite without disciplinary pressure, is amazing.

All of this may be old stuff for teachers in a few schools; but the experience at Indiana may have significance for those faculties which have not heretofore included seminars in their curricula. At Indiana, we are now facing the next step of carefully appraising the seminar program; but, in my opinion, we have had sufficient experience with it to warrant the above praise and definite recommendation of this method of instruction.

Now, for my discovery. What I discovered in the second semester of 1949 was that the best way to do the pedagogical job of inter-discipline study—law in relation to the social sciences, liberal legal education, multi-discipline analysis, or by whatever other term it may be designated—is to bring able students from various departments into a seminar and, if possible, to have the class evenly divided between such students and the law students. Let me add some facts to give point and content to this communication.

After a goodly number of years of studying the problems of inter-discipline analysis and after considerable experimentation in it (a few social

*Professor of Law, Indiana University.
science students were almost always in my classes) I had rather undeliberately but slowly and with increasing conviction come to the conclusion that the only sound method of liberalizing the study of law lay in the person of the broadly cultivated legal scholar. That remains the core of my opinion in the matter—with some allowance for the exceptional social theorist who masters a branch of law. (On reflection, this is hardly a qualification of the above assertion since such scholars, in effect, give themselves a sufficient legal education; hence, without formal degrees they function as "broadly cultivated legal scholars.") This method—inhering simply in qualified legal personnel—has, in my experience, proved sounder than the collaboration of a legal scholar and a social scientist in the classroom and, a fortiori, it is far superior to merely sending law students to the college or graduate school for study concurrent with the law school work. Least valuable is the drafting of ambitious programs—the amount of time and energy that has gone into such paper-making, only to end in defeat and frustration when the question of personnel is faced, must be enormous. And it is also the best way to discourage any attempt to liberalize the teaching of law.

While I remain convinced that personnel is paramount, I have learned that it is not the only available resource to implement the indicated objective. I have learned how the personnel can function effectively. As indicated, the method is the seminar, constituted as stated above.

When it fell to me to offer a seminar in the spring of 1949, I decided to make Plato's Philosophy of Law the subject of the course (the subject matter of the seminar will be different each year). I hoped that three or four students among the class which had just completed the course in jurisprudence might take the seminar. I made no announcement of the course other than posting a required notice on the law school bulletin board toward the end of the first semester. A colleague in the Philosophy Department somehow learned about it and, over luncheon, we discussed the possible content of the course, how it might supplement the Department's course in Plato, and the like. Soon after our conference, three philosophy "majors" called on me, and we discussed more or less tentative plans. One of these students was also taking a course in political theory, and he asked and received my permission to inform other students in that class about the Plato seminar. Three or four of them called on me for particulars, evincing the caution of a careful buyer and also some effect of the common propaganda that law school work is technical. From these students, others learned about the course. Our policy is to limit the maximum size of seminars to twelve students but, although admission was denied to several, uncertainty as to the number who would register and the desire to admit all the well qualified students led to the enrollment of seventeen—two of whom were "scared out" in the first meeting. The remaining fifteen students settled down to the work of the seminar, meeting once each week for a two-hour period—with hardly an absence during the semester.

Brief comment on the students and the methods of the seminar may be of interest. Of the fifteen students, seven were law students, one of them, Chinese, another, Turkish, and the remaining five had taken the course in jurisprudence; of the eight non-law students, four were graduate students of philosophy, government, or history, one of them, an instructor in the Phil-
Theosophy Department, and another, a mature, very able graduate of the University of Beirut; and four were superior senior undergraduates, studying in the above fields.

The first two meetings were devoted largely to lectures on jurisprudence, with references to possible approaches to Plato from the viewpoint of modern legal philosophy, to answering questions, arranging the work for the next three meetings, and assigning reports. Thereafter, we proceeded mainly by way of reports, presented each time by two or three students, selecting the subjects with a view to their special competence and the agenda of the seminar. The reporters were interrupted frequently by questions and opposing arguments which sometimes spread to include practically the entire group and lasted past the time for quitting. The instructor interpolated at strategic points; but a serious effort was made, not always successfully, to maintain the position of a sixteenth member of the seminar; and all of us were seated on the same level around a large table.

Thus, *e.g.*, our history students brought us information about ancient Greece with particular reference to the *Dialogues*. In connection with the *Minos*, especially the statement that law "tends to be . . . reality," it became necessary to know what Plato meant by "reality." We decided to limit our inquiry to *Theaetetus* and the *Republic*, and two of the philosophy students reported to us on that difficult question. The law students were interested in reporting on the *Apology* and the *Crito*, especially in comparing our procedure with that of ancient Greece. Those who had taken the course in jurisprudence reported on various other dialogues, especially the *Statesman*, *Minos*, and the *Laws*, from the perspective of that course. And when we later came to conclude the seminar with a closer consideration of the *Laws*, the Turkish student and an American student compared Plato’s discourse with the law of their respective countries; and the Chinese student compared Plato and Confucius. The non-law students were especially pleased to learn about many matters which they could not study in other courses, *e.g.*, the relationship of Plato’s *Laws* and the positive law of various countries to problems concerning universals, diffusion, and culture; the problems of administration and "rule of law" discussed in the *Republic* and the *Statesman*, and so on. After due discount of kind and generous remarks with which students are prone to reward their teachers, I believe the seminar was both very interesting and very much worth while for all who participated in it.

In the course of preparing their various reports, the non-law students, without any suggestion from me and, indeed, without my knowledge, consulted their professors in the philosophy, history, and government departments—about what to read in addition to the assignment, how to "get their specialty across" to the seminar, etc. The net effect was an indirect collaboration between those scholars and the instructor of the seminar—an interrelation of knowledge and skills via the mediation of the student facing a particular problem of legal philosophy and subjecting his contribution to group criticism.

I cannot here detail the reasons for attaching great significance to the venture, described above. To those who have thought and planned about the integration of various disciplines, I can only say that I learned that an im-
portant, indeed, the most important, method of pursuing integrative study is to get students of the social sciences and humanities to sit side by side with law students in a seminar. They learn much from each other; and the law professor is stimulated to contribute what he can in this process of intercommunication. In short, instead of building from the top with faculty, the best thing to do, I am now persuaded, is to build from the "bottom"—with students.

All of this is very simple, is it not? Not at all like the formal functioning of faculty committees and subcommittees, or the drafting of elaborate programs, or the detailed reports and resolutions, following the familiar procedures of academicians. Given a legal scholar interested in inter-discipline study, in the course of time he and his work become known to his colleagues in the social sciences and humanities. That condition already exists in many schools. Then make it possible for the legal scholar to give a seminar each year. As the subject matter of the seminar, let him select a field of study which is of interest to both law students and students in social sciences and the humanities (or business or other fields). Instead of the operation of chance, which led to the experiment described above, let him inform his colleagues in those departments, especially those interested in the interrelation of disciplines, of the seminar, and what he hopes to accomplish there. They will do the rest. The next step, I suppose, will be the regularization of what started as a spontaneous act of cooperation among scholars in different departments and schools of the university.