



(RESEARCH ARTICLE)



Significance of Socratic methods and field visits: How effective it is in improving the contemporary legal education in India?

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Abstract

Legal education is one of the fastest growing sectors. But at the same time the said stream of education is suffering from the various challenges. Presently it is lacking in legal research, which is important for the growth and improvement of the legal education. The one main reason for the same is the excessive workload on teacher and student. Socratic method and visits are the good way to improve the research and classroom teaching. But in the present system the said application is difficult to practice. There is need to revise the UGC norms and improve our course curriculum.

Keywords: Legal education; Weak research; Economic stability; Intellectual growth

1. Introduction

The only true wisdom is in knowing you know nothing. – Socrates

Legal education is booming in contemporary times. It is one of the fastest growing sectors in education *industry*. The proposition is evident from observing the number of students appeared for the CLAT examination [1]. In fact this number is very small in comparison with the students who wrote their entrance exams for different traditional and private universities. The point is again justified from the fact of increasing number of law collages/schools in India [2]. At the same time it is hard to believe that, today legal education is losing its age-old royal status. There are various reasons that can be cited for the same. The one important among all is weakening of the legal research, which in furtherance promotes the legal reasoning. As it is stated that skepticism is the most fundamental aspect of legal education. It empowers students, academicians with a critical legal thinking. It is the tool through which one can understand and analyze the available knowledge of law [3]. In this process one can contribute in enhancing the legal knowledge through interpreting it in a different manners and dimensions. This is the only way we can improve our policymaking and contribute towards the real *engineering* of the society. If present and future law fraternity will think in a broad and open manner, while ignoring the all sort of *illusive differences* [4]. We will be able to make a intellectually real prosperous India [5]. Socratic Method is one such important tool to develop independent thinking and question the existing knowledge and *so called* truthful propositions. It is one of the scientific method, based on understanding and study of the facts. It always negates the acceptance of *proclaimed* knowledge, and promotes the researcher to investigate into the available facts and question the provided source of knowledge around it.

[1] As per the resent data available more then fifty thousand students had applied for CLAT examination. Available at www.barandbench.com/clat-2017-record-applicant-years/, cited on 15/09/2017

[2] In one of the articles published in legally India, it is stated that number of law collages is increasing at a high speed. Complete article is available at: <http://www.legallyindia.com/lawschools/in-two-years-number-of-law-schools-increased-from-800-to-1-200-now-bci-hopes-to-put-brake-on-mushrooming-epidemic-20141209-5408>, last cited on 14/10/2021.

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- [3] The aforementioned opinion is personal observation of the author.
- [4] The author is of the opinion that once we start interpreting law in a real impartial manner, rejecting all differences based on caste, religion, and economic etc., we can develop our nation in a real sense. Further it is personal understanding of the author that differences based on caste, religion are all fictional. The argument can be justified after citing the works of postmodern – deconstructionist philosophers including Michele Foucault and Jacques Derrida.

2. Material and methods

2.1. Socratic Method of teaching

Socratic method as mentioned earlier is the one of the most significant method of teaching and research. It is a constructive learning approach that keeps questioning the preconception or framed hypotheses. It is related to cognitivism and developmental psychology and helpful in developing different perspectives on a given topic. Socratic method is the basic fundamental concept of philosophy (legal philosophy). It is helpful in developing active, inquiry-based constructive argumentation among students. Here the role of teacher is to act skeptical about arguments submitted by student or written in text of the book or case study. Genuine legal academia will only develop if we question the existing rules/principles of law. This is the democratic method of teaching where all students are engaged in classroom discourse. This method reflects the idea of John Locke who stated that human minds are like a blank slate and only gets knowledge through senses and experiences (tabula rasa) [6].

This method is reaction towards instructionism as it supports constructionism. The method is beneficial for even silent students in class, as they learn immensely from the classroom debates. This is also helpful in developing team spirit and leadership skills among students [7].

2.2. Importance of Socratic method of teaching

Different literatures have suggested the evolution of Socratic method through Greek scholars. The method is named after Socrates, the ancient Athenian thinker. People are acquainted with him through the works of Plato, his disciple, who has wrote the series of 'Dialogs' representing the Socrates' nature of questioning and debating about knowledge. In a Socratic dialogue, he will ask a person around to explain an ambiguous and generalized thought, e.g. what is love? What is pity? What is right? and What is wrong? The same question is followed by series of connecting questions, such as what is good about love? What is right about a right? Why wrong is wrong? etc. This series of questions and answers goes on until one gets the clear picture of the topic at hand. The method was initially used in American law schools, where participants were asked to investigate particular cases. Hypothetical assumptions were used to challenge the student's understanding and push the line of settled judgments. This results into the emergence of new unconventional discourses. The policies regarding abortion, same sex marriages are outcomes of such discourse. Here one can relate the American realism with the same method. According to this, teaching law in classroom is a *library teaching*, where student is never going to understand the application of law [8]. In the words of Prof. Upender Baxi, the prevalent teaching in majority of law schools is narrative teaching. Where there is no space of dialogue [9].

- [5] As per the recent data available more than fifty thousand students had applied for CLAT examination. Available at www.barandbench.com/clat-2017-record-applicant-years/, last cited on 15/09/2017.
- [6] In one of the articles published in legally India, it is stated that number of law colleges is increasing at a high speed. Complete article is available at: <http://www.legallyindia.com/lawschools/in-two-years-number-of-law-schools-increased-from-800-to-1-200-now-bci-hopes-to-put-brake-on-mushrooming-epidemic-20141209-5408>, last cited on 14/10/2021.
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- [8] The author is of the opinion that once we start interpreting law in a real impartial manner, rejecting all differences based on caste, religion, and economic etc., we can develop our nation in a real sense. Further it is personal understanding of the author that differences based on caste, religion are all fictional. The argument can be justified after citing the works of postmodern – deconstructionist philosophers including Michele Foucault and Jacques Derrida. See: Hugh J. Silverman (Ed.), DERRIDA AND DECONSTRUCTION, Routledge Publication, 1989
- [9] Research is the one way to investigate the facts impartially without any favoritism. It is the analysis done with the open and broad mindedness.

2.3. Strangling situation of Indian legal education: issues and challenges: difficulties in applying Socratic Method

Indian legal education is undergoing through difficult time. As a stream, which is supposed to be the scientific in approach, is considerably lacking research, the *oxygen* of legal education. Through the present education system we are

incapacitating our future law persons to understand and do research, which is ultimately beneficial for the society. The present law school course-curriculum is very burdensome and it has taken away the scope of genuine research. It is burdensome on both the teachers and students. Presently teachers are supposed to take classes of different subjects in a day. We follow the UGC guidelines in respect to allotment of the working (teaching) hours for an individual teacher. This workload is very much as compared to workload allotted to a teacher of worldly recognized educational institutions [10]. Further, there is problem in system of subject allotment; teachers are often allotted with new and different subjects, where it is difficult for them to do justice with the subject. This left them with zero scope of research in the respective subjects. Even if one tries, it will be a very preliminary research, which is nowhere going to contribute towards the growth of a respective subject. In addition to this teachers are supposed to do various administrative works, which is necessary for the functioning of the intuition, but with the present workload scheme, it is difficult for one to perform and contribute at her full capacity.

In the present situation it is very difficult to apply and follow the Socrates method of teaching. As there is no time for research based elaborative deliberations. The same problems is faced by students as well, as they are asked to work on different assignments, where they are not even allowed to choose the topic of their choice. It is very obvious that if one work on the topic of her choice, the outcome will be fruitful and motivational not only to the student concerned, but equally to the teacher and fellow students. Further, there is very limited scope for practical learning in their course curriculum. The system doesn't provide any flexibility to the students, they are supposed to attend classes throughout the day, which is exhaustive (even if they are young) and demotivated them to research [11]. Here if we specifically take the example of law schools, they are unable to contribute in research, as people are engaged in different works and there is very less time to work in the field of research. The situation is worst at the post graduation level. With the initiation of one-year LL.M program, we have fixed the final nail in constructing a *coffin* of legal research. In one-year LL.M program it is impossible for a student to learn the basic skill of teaching and research and it is very difficult to acquire the sufficient knowledge on the respective topic, which may be considered as a preliminary study before research. Almost same kind of situation is prevalent at PhD level [12]. There is very less assistance form the institution to encourage students to go for empirical research.

3. Results and discussion

3.1. Identification of reason(s) and probable solution(s)

After understanding the various problems highlighted above now it is important to find out the root cause of the same. Here the personal observation of the author is that, to an extent, the major factor responsible for present situation is the deficiency of grants/funds available with the institutions. It is very much certain that without money there is no possibility of removal of these hurdles as highlighted above.

There is extreme need to revise the course curriculums to reduce the unnecessary burden from all stakeholders. If we are able to do that, we might get some results. Teachers in association with the students can work on different research projects and assist government and other agencies. This is the easiest way to generate revenue for the intuition, and at least helpful in removing the economic crunch to a level. This can also be done by making a common-pool among all National Law Schools in the country, where one can share their curriculum with other and help each other in developing research and teaching at the institution [13].

[10] As per the resent data available more then fifty thousand students had applied for CLAT examination. Available at www.barandbench.com/clat-2017-record-applicant-years/ , last cited on 15/09/2017.

[11] In one of the articles published in legally India, it is stated that number of law collages is increasing at a high speed. Complete article is available at: <http://www.legallyindia.com/lawschools/in-two-years-number-of-law-schools-increased-from-800-to-1-200-now-bci-hopes-to-put-brake-on-mushrooming-epidemic-20141209-5408>, last cited on 14/10/2021.

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3.2. Visits and Socrates methods of teaching: A way to improve the Teaching and Legal Research

Visits are very helpful in understanding the ground reality of a particular issue. Through visits researcher-student can understand the significance and weakness of the legal concept. It is the way to understand the application of legal

proposition that student had learned or going to learn in her classroom. It empowers her to question the legal knowledge available on the issue. Through visits students understand the problems at the very grass-root level. After going for a visit, they can reunite in classroom and deliberate on the issue, while sharing the information they have gathered as the first hand source. Though this one can question the existing laws and policies and try finding the way through putting fourth the continuous series of questions, until she reaches the satisfactory results. This is totally a scientific way of research and teaching, where different researchers (teacher-students) frame different set of questions after understanding the concept. Through observations & questionnaire one can further able to find out the solutions for the problem at hand. The dialogue that one is engaged into after such visit is helpful in widening the understanding around the topic. The questionnaire in a Socratic dialogue will help the respondent to think about the topic and comes up with the genuine reply. In a same manner teacher can develop his course-structure. This can be done through adding few fundamental questions at the beginning of the each content.

The importance of the visits in research and teaching can be evident from the one experience of the author, where he had attended a summer school on empirical legal research at Amsterdam, Netherlands, Europe. The research work is about analysis factors affecting the sentence length. While employing a Vignette design, author has analyzed that whether *regret factor* has any impact on the length of sentence for two types of crimes fraud and assault. Following explanation highlights the same.

Regret is the negative cognitive/emotional state that involves blaming ourselves for a bad outcome. It is stated that although regret is the painful to experience, but can be a helpful emotion. People may commit mistakes; regret is the first step towards reforming the human behavior. Through this work researcher has tried to know the effect of ‘regret’ factor on sentencing the wrongdoer. The reason behind this study is to analyze the societal behavior towards sentencing the wrongdoers in Netherlands. Therefore the main research question for this part of the work is that, whether regret plays any significant role in altering the length of the sentence and whether gender has any impact in altering the sentence length? Researcher has also analyzed the question that whether different age group people give sentence of different length? Through research it is found that the wrongdoer with regret has less punishment (8 years) as compare to the one who have no regret (10 years). Though surprisingly it is found that male with regret get less sentence (7 years) as compare to female with regret (9 years). Whereas in case of man without regret has got sentenced slightly less (9.4 years) then compared to women without regret (9.9 years). Further it was found that people from different age groups awarded different sentence length while considering the regret factor. As old people awarded shorter sentence (2.2, G6) for wrongdoers having regret, as compared to youth (9.9, G2).

The following is graph analyzing the same:

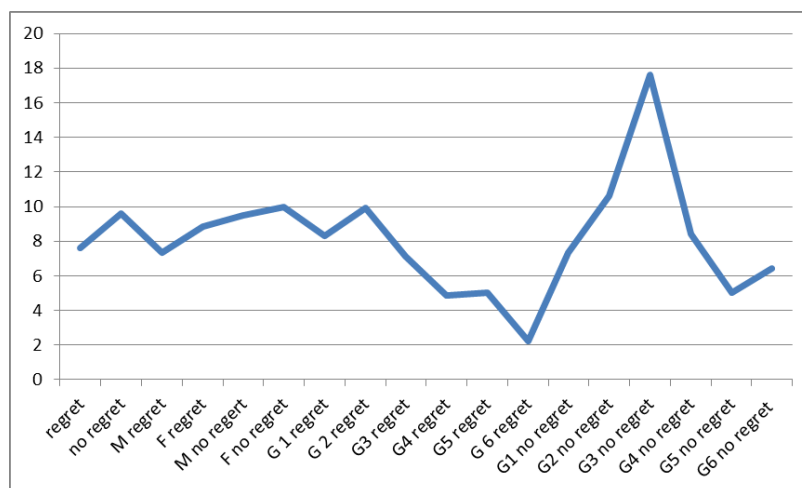


Figure 1 Illustrating the Vignette Design Here G1, G2, G3, G4, G5, and G6 represents different age groups, covering people from 18-21 years old to 60-70 year old

The aforementioned example is the good way to understand the societal perception on sentencing of the wrong doer. It can be used to analyze the success of reformative theory of punishment [14]. This exercise can be used in classroom deliberations, where one can analyze and interpret the available data with the help of Socratic dialogue. The result of the same would be that students would learn the concept through various dimensions.

4. Conclusion

Socratic method of research is one of the most useful tools for effective and contributory classroom teaching. Most importantly, it develops the skeptical skills among the stakeholders. It provokes the students to think rigorously on subject at discussion. It helps them to think in an empirical and a scientific way. As clubbing both Socratic methods and visits one can develop her analytical reasoning skills. This further helps in developing *a priori* and *a posteriori* propositions [15]. which is essential for the purpose of completing a legal proposition. Use of Socratic method and visits will help in developing the complete format of ontological and epistemological understanding of the concept. It is the way to understand a concept in its totality. But in a present system of education, it is difficult to practice these methods in law schools. Here teachers are overburdened with the work. The students are also not free to work according to their interests. The entire academic atmosphere is under an unhealthy surveillance, where one is required to complete a certain amount of *work*. The credibility of such work is justified on the basis of quantity, rather quality. The situation can be related with the Bentham's utilitarianism, where everyone is working for a certain level of utility but no one is concerned about the utility in the long run as argued by Joan Stuart Mill. This according to author is about the intellectual and values based growth of the human being. Therefore Socratic method of teaching and visits can be used in analyzing and developing a meaningful and purposeful legal discourse. It is the way to contribute towards the end of Justice. But in order to make this successful there is extreme need to change the pedagogy in law schools, where student should be inspired to do research and engaged in cognitive thinking. As teachers-learners [16]. it is the responsibility of each of us to revive legal academia in country.

- [14] Research is the one way to investigate the facts impartially without any favoritism. It is the analysis done with the open and broad mindedness.
- [15] Uzgalis William, John Locke, Stanford encyclopedia of philosophy, available at: www.plato.stanford.edu/entries/locke/, last cited on 21/04/2022.
- [16] In classroom students can be divided in teams and asked to debate, where everyone will understand her responsibility and try contributing towards the team.

Compliance with ethical standards

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