THE LEGAL EDUCATIONAL CONTINUUM THAT IS VISIBLE THROUGH A GLASS DEWEY

GRAHAM FERRIS*

A. The future is a foreign country: the infeasibility of reliance upon traditional practice

Any teaching practice must be informed by some model, or models, of learning. There must be some "theory" of how teaching brings about learning. The model of learning that informs practice does not have to be articulate, or logically coherent, or empirically sound. Cultural transmission within formal social institutions obviously pre-dates modern learning theory, there are texts from Pharaonic times that deal with formal teaching and learning. Naïve models of learning tend to view the problem as one of transmission from teacher to student. Sophisticated models recognise the need to rediscover or recreate meaning in the process of communication between teacher and learner.

The need for some model of learning is important because traditional practices cannot be reproduced reliably under the stresses of changing circumstances. Higher Education is subject to several pressures. Some pressures have been specific to the UK, others have had effects across the common law world, and some have impacted across the whole world. Specific to the UK we have seen changes to educational

* Nottingham Law School, Nottingham Trent University.

processes in schools and colleges, the increases in student numbers, and the rolling out of quality control regimes across Higher Education. Pressures felt in legal education across the common law world, include the internationalisation of legal practice, specialisation in legal practice, the ever-increasing supplies of legal materials that need to be selected from. Finally, impacting across Higher Educational institutions across the world, there are the fears around international competition, the consensus of the importance of the knowledge economy, and an economically important market in overseas students. Whether considered separately or together these circumstances mean that reliance upon traditional methods, curricula, and their associated unarticulated models of educational process and learning, is no longer a viable strategy.

As John Dewey noted:[1]

> "I think that only slight acquaintance with the history of education is needed to prove that educational reformers and innovators alone have felt the need for a philosophy of education."

As existing practice is sanctioned by past practice it is not under any burden to justify itself through articulation of its model of learning. Whatever the model is, the fact that it has worked demonstrates it is either correct, or if incorrect has not prevented successful educational processes occurring. Indeed, if the model is incorrect it makes the alteration of any feature of the traditional practice hazardous, as the effectiveness

[1] John Dewey, *Experience and Education*, (1938) Macmillan Co, New York, as excerpted in John J McDermott, *The Philosophy of John Dewey*, (1981) University of Chicago Press, Chicago, p. 509.

may be the result of practices that are not formally emphasised. Traditional practice is self-validating, but novelty requires justification, as was again noted by Dewey:[2]

> "Those who adhered to the established system needed merely a few fine sounding words to justify existing practices. The real work was done by habits which were so fixed as to be institutional. The lesson for progressive education is that it requires in an urgent degree, a degree more pressing than was incumbent upon former innovators, a philosophy of education based upon a philosophy of experience"

Thus, we are unable to continue in our traditional practice, and this creates a need to articulate a model of learning that can guide us in developing legal education in the future. There are strong reason to suppose that the learning theory of John Dewey is the place to look for such a model.[3]

B. An introduction to Dewey's philosophy, educational theory, and contemporary relevance.

Dewey was an "instrumentalist" or "pragmatist" in his approach to philosophical questions. When this philosophical approach was applied to education it produced a model of learning as an aspect of experience. The learner has an end in view, and takes some action intended to bring her closer to the desired end. There is then some consequence of the action, a consequence that is productive, neutral, or counter productive. It is in reacting to the consequences of action and deliberating upon

[2] McDermott at p. 509: *supra* n. 1.
[3] The argument resembles aspects of the work of Paul Maharg in *Transforming Legal Education* (2007) Ashgate, Aldershot, especially at chapter 3. Each was developed independently.

further action that reflection takes place, and it is the quality of this reflection that determines the educational benefits that are derived from the experience.

The model informing Dewey's pragmatism was the experimental method which he generalised. Dewey placed inquiry at the centre of his analysis of knowledge.[4] These features made his methodology open ended, his pragmatism was provisional in its conclusions. Furthermore, his methodology was informed by his belief in progress, not as a preordained destiny but as a realisable potential, and progressive or developmental assumption also precluded his asserting any final arrival of truth.

These philosophical concerns fed into Dewey's approach to the process of education. For Dewey learning is something a learner does in the course of attempting to achieve some goal. Dewey expressed this as learning through experience, essentially learning that is motivated by needing the knowledge or technique learnt in order to overcome some problem encountered in moving towards a desirable goal. The educative process works best when the goal is spontaneously that of the learner. The role of the educator is to direct the process, direction that is informed by the educator's expertise, so that it might have the best educational outcome. Education for Dewey was the joint endeavour to achieve a goal, using whatever resources of native wit, or accumulated knowledge, available to the partners in the endeavour.

Dewey saw education as a process that over time brought about developmental progression in the learner. He viewed education as centred on the development of the

[4] For Dewey "knowledge" is the product of inquiry, and "inquiry": "is the directed or controlled transformation of an indeterminate situation into a determinately unified one". John Dewey, *Logic: The Theory of Inquiry* (1938), Holt, Rinehart and Winston, Inc: in McDermott, at p. 226 *supra* n. 1.

learner as a self-conscious problem solver. Just as pragmatism did not aspire to ultimate truth, the educative process had no natural terminus.

The educational process obviously operates in a social setting, and is justified by social needs. The development of the individual learner was not opposed to, but an aspect of, the reproduction of society, and its distinctive culture. Dewey in the early years of the twentieth century in the United States of America was writing in a period of tumultuous social and technical transformation, an age of change. Any model of education that tried to limit itself to the knowledge of the last generation was palpably inadequate, and Dewey's educational theory reflected this.

Emphasis upon the learner, an emphasis displayed to a marked degree by Dewey, and the need to teach with relevance to the learner, the very core of Dewey's approach, are clichés of modern educational discourse. The social basis of education has been brought home by developments in Higher Education that have emphasised the accountability and economic utility of educational institutions. Social and economic uncertainty are as prevalent today as 100 years ago. The consensus is that it is not the actual information taught but the ability to find and intelligently use information for the solution of problems that is of the essence for Higher Education today. In short, we live in an age that is profoundly post-Dewey. Our discussions about education are suffused with ideas, approaches, and even language that are derived from the work of Dewey. However, the argument of this article goes beyond suggesting that familiarity with the work of Dewey illuminates modern education discourse. It is argued that an application of Dewey's models of education and learning to contemporary practice in the Law School is useful.

Dewey can provide an alternative model to the classic 'liberal' ideal of the undergraduate degree.[5] His approach to educational processes is broad enough to encompass educational goals at the highest levels of generality. This is despite the fact that in his writing and practice Dewey was primarily concerned with education within schools rather than Higher Education. Neither his model of learning, nor his approach to curriculum, was limited to children. Indeed, Dewey's idea of the effects of education on the learner was:[6]

> "…the result of the educative process is capacity for further education";

and in similar vein his approach to the process of education was:[7]

> "(i) that the educational process has no end beyond itself; and that (ii) the educational process is one of continual reorganisation, reconstructing, transforming";

and his formal definition of education was:[8]

[5] I have noted this before in *Aspirations for Law in the University* (2004) 13(2) Nottingham Law Journal 67.
[6] *Democracy and Education* (1916), Macmillan Company, Toronto, Ontario, Free Press (1966) p. 68.
[7] *Ibid*. at p. 50.
[8] *Ibid*. at p. 78.

> "It is that reconstruction or reorganisation of experience which adds to the meaning of experience, and which increases ability to direct the course of subsequent experience".

Thus, despite Dewey's well-known use of concepts of growth and development there is nothing that limits his theory of learning to children, the growth and development he refers to do not culminate in biological maturity.

We can identify Dewey as a father of experiential learning. Dewey's analysis has of course influenced many subsequent theorists and much of contemporary educational practice. Kolb's learning cycle is fairly obviously a refinement of Dewey's analysis of learning through doing.[9] To anyone who has experience of real client clinical legal education it is obvious that Dewey's ideal is realised in law clinic work. This aligns Dewey's approach with one contemporary approach to legal education, and a powerful one in professional education in particular. However, if Dewey is going to serve us generally then his problem solving approach needs to be applicable outside of clinical legal education, even giving that term its broadest definition.

C. Dewey's pragmatic philosophy and legal education have important features in common

[9] David A Kolb, *Experiential Learning* (1984), Prentice-Hall Englewood Cliffs NJ and London, proclaims his debt **i**n its very title.

Law is a social phenomena, and finds its meaning in social practices. Law that fails in its social purpose is likely to become not law,[10] or to be interpreted into oblivion,[11] or left as a rule that is never applicable.[12] The link between vitality (and in extremis validity) and usefulness for purpose harmonises with the pragmatic approach to knowledge. Pragmatic philosophy does not depend upon any objective relation of "reference" between statement and the world for truth. Truth is provisional and situational. Truth is situational because if the belief helps attain the end of the social activity (including science – an activity concerned with explanation and predication) then it is considered true. However, subsequent events might demonstrate it is not true, meaning the belief is only provisionally true. To the author this approach to truth in general is very similar to the manner in which the law deals with legal correctness (a statement of law is usually referred to as "correct" or "incorrect" rather than "true" or "false"). There is a harmonious approach to issues of validation of beliefs or statements in law and pragmatic thought. This tends to make pragmatic models of learning and educative processes a comfortable fit for legal education.

It is not necessary to rely upon arguments about types of reasoning and natural consilience. There is express textual confirmation in the work of Dewey of the concurrence of law and his epistemological approach. The following quote is taken from *Logic: The Theory of Inquiry*, the work in which Dewey explained his approach to knowledge. Knowledge for Dewey is that which inquiry produces, it is the product of a type of social activity rather than a belief that has peculiar qualities (i.e. a belief

[10] By legislative change: the Law of Property Act 1925 swept away the old legal estates. By judicial decision: *Kleinwort Benson Ltd v Lincoln City Council* [1999] 2 AC 349 swept away the rule barring recovery of money paid under a mistake of law.
[11] The fixed charge of future book debts post *National Westminster Bank plc v Spectrum Plus Ltd* [2005] UKHL 41 is a case in point.
[12] The "right" of a mortgagee (the lender) of a domestic house to possession.

that is "true"). As inquiry is an open ended process, so too is the status of any belief as knowledge. The paradigms of social inquiry that produces knowledge used by Dewey were art and law:[13]

> "Two outstanding instances [of formal properties accruing to subject matter –part of Dewey's universal model of inquiry that explains the relationship between logic and the world] are provided by art and law … The materials of legal regulation are transactions occurring in the ordinary activities of human beings and groups of human beings; transactions of a sort that are engaged in apart from law. As certain aspects and phases of these transactions are legally formalised, conceptions such as misdemeanor, crime, torts, contracts and so on arise … But when they are formed they are also *formative*; they regulate the proper conduct of the activities out of which they develop."

Thus, the approach of Dewey to educational process is very likely to be adaptable to legal education because he started with law as an exemplar and generalised typical aspects of legal practice. Applying Dewey to legal education is to reverse the process, moving from general to specific.

Law and pragmatic philosophy share a tendency to use social purposes as the source of a "telos" in a teleological pattern of reasoning. In other words law and pragmatic philosophy each seek justification by social purposes or values. In this they can share

[13] John Dewey, *Logic: The Theory of Inquiry* in McDermott, at p. 224, *supra* n. 1.

a common weakness, of treating the social "good" as given and focussing entirely upon the means to achieve the "good". This can produce a social engineering or technocratic view of problems that can be authoritarian in its impact. However, this common feature can also generate a common strength, providing the nature of the social "good" is recognised as disputable. It allows for, in terms of generality, a mid level range of "ought" to be identified which is a crucial area for law. The focus is not upon the nature of the ultimate "good", this question is pitched at too high a level of generality. Such issues fall more comfortably into discourses not in law but in politics or ethics or philosophy. Nor is the focus on the unique features of the specific disputants, this would be at too low a level of generality, an approach castigated by Llewellyn as "fireside equities".[14]

The appropriate focus for much of law is at this intermediate level focussing upon such issues as legitimate and illegitimate, or effective and ineffective, or consonant and discordant, means of moving towards the "good". Obviously, if numerous "goods" are recognised the analysis quickly becomes complex, as it has to operate across two types of variable. There are issues of choice of means in approaching a "good" and quite distinct types of issue around choice of "good". The law often has to balance "goods" that are in conflict, such as justice and efficiency, and that may be ultimately incommensurable.[15] So far as law has this characteristic then legal thought and process can be modelled in the same manner as Dewey's educational process. Potentially this allows for the making of links between what is taught and how it is taught.

---

[14] Karl Llewellyn *The Common Law Tradition* (1960) Little Brown, Boston.

[15] John Gray, Agonistic Liberalism, *Enlightenments Wake* (1995) Routledge Abingdon and New York, who draws on Isaiah Berlin, *Four Essays on Liberty*, OUP, Oxford. See also: Max Weber, *The Protestant Ethic and the "Spirit" of Capitalism*, ed and tr by Peter Baehr and Gordon C Wells (2002) Penguin, London and New York, n. 146 at pp. 155-157.

D. Teaching law through a problem solving paradigm

If education proceeds by searching for the solution to a problem, and law is determined at the level of "ought" by the manner in which it addresses a problem, then the process of solution seeking can be the elucidation of the law. Traditional legal educational practice reflects this by the stress it puts upon the problem question. The law is understood in its operation not by its exposition. In order to demonstrate understanding we require the application of law to imaginary factual scenarios. Our practice as legal educators has been to teach (and assess) through a consideration of how law impacts upon (fictional) legally responsible agents.

The problem question approach to learning the law is certainly consonant with an experiential model, although it is not the same. It demands an imaginative and empathic act from the learner, although our practice does not always recognise this, nor does it always allow for the difficulties such a projection poses for students.[16] It requires the student to adopt the view of a fictional character and it imposes a problem upon the learner rather than accepting the learner's problem as the source of the process. It uses a static problem scenario. The situation is not open to redefinition in the course of the process, the client will not change their views, new evidence will not be available, alternative solutions to the conflict will not be capable of being created,

[16] Essentially the problem scenario invites the student to adopt a particular standpoint through the rubric "advise x". For the potential power of standpoint as a tool for developing an understanding of the law see: OW Holmes, *The Path of the Law* (1897) 10 Harvard Law Rev 457; HLA Hart, *Scandinavian Realism* [1959] Cambridge Law Journal 233; William Twining, *The Bad Man Revisited* (1975) 58 Cornell Law Review 275.

the question is a “given”. Finally, the problem question rarely involves the action of the student in moving towards a solution to the problem, it is unusual to ask the student to draft a document that could alleviate or solve the problem, nor to identify a negotiating position that the fictional advice could point towards. The clinical model of legal education removes, or limits, these divergences between the experiential process Dewey posits and the problem question. It replaces the fictional characters with real people, or with people playing roles, and thus avoids or reduces the imaginative and empathic demands on the student. It either has real open ended problems, in the form of real clients, or attempts to simulate the same. Finally, it is far more likely to demand actions from the students that are directed towards seeking a resolution of the problem.

The problem question and the clinical problem are capable of being viewed as points upon a continuum. The nature of the continuum can be described as a “problem solving”, or “instrumental”, or “teleological”, or “pragmatic”, or “inquiry based” activity. Placing educational practice onto such a continuum suggests Dewey can be used to move from a familiar position towards a more satisfactory position. As is appropriate the possibility is transformation rather than revolutionary. The analysis also allows us to discriminate between the different aspects of the problem question and clinical continuum.

Below is a schematic for reviewing legal education practice in the light of the problem solving or inquiry based model of Dewey. This analysis was derived from Dewey by

the author.[17] As argued above change in legal education is inevitable. The schematic is intended to provide an evaluative continuum for assessing change and for enhancing coherence in the process of change. The schematic has seven operations.

(i) Imposing an educational purpose on the problem.[18]

The teacher has to decide at some time what the educational purpose of the problem is for the student. This educational purpose is not the same as the purpose of the student in trying to "solve" the problem. It is a "meta" purpose, the purpose of the purpose. Hence, one might design a problem scenario in which a student is asked to help someone remain in occupation of his home. However, the educational purpose ultimately served might be an understanding by the student of the operation of the law of mortgages. One aims to achieve the "meta" purpose in the student's cognition through the student pursuing her immediate purpose, a purpose that is achieved by addressing the immediate concrete problem. Deciding what the problem is "for" is always necessary. However, the degree of control possible over the content of the problem can vary. The problem may be designed solely for its educational purpose, or the educational purpose may be imposed upon a problem that is not directly under the control of the teacher.

Identification of the issues raised by the problem is not inherent but imposed. The imposition is one of meaning, why the problem is interesting, what the problem is

[17] Specifically from: *The Reflex Arc in Psychology* (1896) reprinted in McDermott (1981) *The Philosophy of John Dewey*, University of Chicago Press, Chicago; *Democracy and Education* (1916), Macmillan Company, New York reprinted by Free Press, Toronto, Ontario (1966); *Experience and Education*, (1938) Macmillan Co, New York, reprinted by Collier Macmillan, London (1963); *Logic: The Theory of Inquiry* (1938), Holt, Rinehart and Winston, Inc: reprinted in McDermott (1981).
[18] This aspect of curriculum design will be explored in a forthcoming article: *We Should Look to Legal Theory to Inform the Teaching of Substantive Law* [2009] 2 WebJCLI.

about. Who imposes, and why, the particular level of analysis that is imposed, and how the imposition is effected, are all questions of importance. If the student feels involved in this process then that student is far more likely to feel personally involved in the educative process. If the student does not understand what the problem is "about", why it is "about" the issues identified by the teacher, then the material is probably going to be perceived as randomly arranged. Ideally students are led to making an appropriate classification of the problem for themselves. Without guidance the problem is unlikely to be a useful learning opportunity. There are strong pressures towards an authoritative imposition of meaning by the teacher upon the learner, such authoritative imposition economises on resources, and allows for maximum standardisation.

One advantage of a live clinical approach to problem selection is that the process of imposing meaning upon the problem is both apparent and negotiated. Students tend to want to help clients. The imposition of meaning is mediated by the question: "how can you help them as a lawyer?" The imposition of meaning through social role seems to be natural to people, it does not *feel* arbitrary because it is informed by social practice. When the problem is wholly the conceit of the teacher there is a real risk of authorial blindness: "it is about what I say it is about because I wrote it about that". As the imposition of meaning occurs before the student ever becomes involved there can be no negotiation of meaning, it must be imposed by fiat.

(ii) Formal classification of the elements of the problem

The lawyer imposes a classification on social activity, and thereby seeks to control it. People go shopping, or catch a bus. Law imposes its own formal names onto such activities, and then reifies. Lawyers "see" a "sale of goods", instigated by an "offer" effected by passing an item to the operator of a cash register for scanning, or a "contract for services" instigated by an "offer" effected by a pensioner showing his bus pass to the bus driver. It will be recalled that it was this aspect of law that Dewey used as an illustration of what he considered to be a general characteristic of human reasoning.

The classification takes place at different levels of generality and is effected by legal terms and concepts. It can be hard to perceive social activity without "perceiving" the formal classification once the process has been learnt, classification becomes unconscious. As people are self-conscious and know of law the classification has an effect upon social action. People alter their behaviour in response to their understanding of the law. This reflective aspect of law confirms the belief in a reified "offer" that led to a "contract" as a social fact a belief that the "offer" exists in the world, rather than as a formal quality imposed by lawyers on the social world.

Within a clinical model of education this classification is partially articulated in terms of work area. One assigns a client, or client problem, to matrimonial, or personal injury, or conveyancing etc. In traditional legal education classification tends not to be articulated at all. Rather it is assumed to be inherent in the "subject" being studied, and becomes ossified in stereotypical features of the problem question form. Classification is often determinative of analysis, and it is an area that all current models tend to neglect or treat as non-teachable.

(iii) Discrimination

This might be termed the first stage of "legal analysis", and is often under-articulated. The task is the selection of features present in the situation to focus upon, such features may be "factual" or "legal" or mixed. Selection is an active process that is driven by the purpose of selection e.g. client need, or the policy imperatives that are in operation, or by an awareness of the need to balance conflicting "goods", or by the demands of social efficiency or of fairness etc.

Typically a lot of the work of discrimination is carried out before the formal start of analysis – it is viewed as an issue of apprehension rather than one of reasoning. Therefore, it is unusual to attempt to teach discrimination formally or to assess for it specifically. However, if the analysis does not proceed on the basis of an appropriate discrimination then it will be incoherent. It is very difficult to explain what is "obvious" in a situation when a student cannot "see" the same. Discrimination, the ignoring of most of the events that take place around us, is an essential and continuous part of our conscious functioning. Legal discrimination is necessary as unless some features are identified as the important or "material" features for law there can be no effective generalisation, and no law as opposed to due process.

Within clinical models discrimination is de facto considered in terms of process and information gathering. Within traditional models it is often implicit within accounts of

"what the law is about", a generalised exposition intended to help students identify the important features of a situation.

(iv) Analysis

The centre of traditional practice, "formal" analysis of legal concepts made concrete in their application to particular facts. Analytically, it is a reversal of the classification stage of analysis, when social action was formalised by the imposition of legal classifications. It is the reflective aspect of the process of inquiry identified by Dewey, the legal formality will now impact upon the social reality. It is the formal aspects of the activity that will be determinative of its legal treatment.

This process is at the heart of the "black letter law" tradition in academic law. Often described as the "application" of the law. It proceeds by the use of a scheme of questions that are logically related to each other, and are derived from authoritative statements of the law. It is an analytical process, by which is meant it consists of the asking of a standard series of questions in a logical order. The basic pattern is algorithmic – keep going through the same process in correct order. Ideally the law is sufficiently articulated and discriminating that it can produce an answer through legal analysis in any set of circumstances. The re-iteration of a series of questions over a shifting set of circumstances generates a casuistic body of discourse. Usually, the answers to earlier questions in the series determine the order, or relevance, of later questions. The nature of the exercise is the manipulation of symbols, usually words.

The discourses generated by this type of analysis are typically legal. The language used is characteristic of legal discourse. The distinctive texts of common law legal culture, cases and commentaries, are exercises in this form of discourse. A belief that the discourse is independent of social activities – that the discourse is self-justifying and complete in itself – is an occupational hazard of the lawyer. This belief is surely untenable, and it has been denounced on many occasions. As a working hypothesis it allows for an intensity of focus that can produce legal work of the highest quality. As an article of faith it distorts reason and prevents the believer from apprehending the alternatives present in a situation.

The traditional model is as its strongest in this area. Indeed, the discourses produced from this stage of problem solving are "the law" in common understanding. Clinical models, operating at a lower level of generality, necessarily incorporate an analytical stage. However, it can be difficult to raise the level of generality, students can struggle to generalise and even to see the point of trying to generalise.

(v) Action

Traditional law school practice devotes very little attention to post analytical concerns. Although rubrics often direct that advice be given it is unusual for the content of the advice to be central. This relative neglect is not sustainable within a clinical setting. Although there is a danger that action might become stereotypical and pre-determined within a clinical setting there must be some form of action taken, even if it is giving up.

If Dewey is correct and we learn in order to solve problems then neglect of the remedial aspect of law must make the study of law barren. If learners are predisposed to view information as meaningful so far as it is useful then neglecting the use of the law in solving problems undermines the educational process. It invites a view of the law as empty ritual and recitation, absent its social effects law is a badly written body of dogmatic belief.

(vi) Result

Obviously, the taking of action leads to some response or is futile. This aspect of the study of law is often woefully neglected. Even clinical modes of delivery often fail to fully take into account the radical uncertainty that surrounds professional action. Within the traditional law school this aspect of law is sometimes treated in the guise of "effectiveness" of law.

Learners do not take action merely from the need to express themselves. The action is directed towards an end, the solution of a problem. The most convincing lessons are those that come from the success or failure of actions directed towards some purpose. The reality for clients, legal practitioners, legislators, and for legal scholars is that law and legal processes will often not produce the results desired for a thousand and one reasons.

(vii) Response

An action leaves the world in a new state, it has an effect, however small or large it may be. Life is continuous as is the learning process. If the result is not what was desired then should we change the action taken or change the type of solution that is acceptable? If the action taken has been successful in some manner what has it left undone, or what pressure has it created, or what unintended consequences have also occurred?

For this aspect of the learning cycle the traditional law school approach has the theoretical advantage over clinical models. It is possible to design clinical exercises that are concerned with problems of responses to actions taken. However, the focus on the particular problem and the timescale of instruction militate against effective clinical approaches to the issue. Here the greater generality of the traditional law school allows for the delineation of the problem. Such issues are often raised implictly in law schools, when a historical account of legal developments is entered into. However, almost universally the treatment of responses to legal actions, such as doctrinal developments, is as an expositive tool rather than as focus of inquiry.

E. Conclusion

Dewey offers legal scholars a theory of learning that is influential, consonant with the instincts of many legal scholars, and is consistent with the substantive materials that law schools are concerned with. Furthermore, his model allows us to integrate accounts of legal education and compare the strengths and weaknesses of alternative modes of delivery of legal materials. This is of particular value as there is a strong and irrational tendency to view modes of delivery as determined by “stage” of legal

education. Finally, Dewey's understanding of the learner and the learning process allows legal scholars to approach the necessary task of curriculum renewal with ideas of how change might improve, rather than simply disrupt, legal teaching. This article has tried to explain why the synergies exist, and illustrate through demonstration how effective Dewey can be in giving us the tools we need to analyse and enhance our practice.