



Wilson, 'The Tutorial Model for Undergraduate Law Courses: Objectives, Approaches and Outcomes', [2008] 2 *Web JCLI*

<http://webjcli.ncl.ac.uk/2008/issue2/wilson2.html>

The Tutorial Model for Undergraduate Law Courses: Objectives, Approaches and Outcomes

Gary Wilson

LLB (Hons), PhD

Senior Lecturer in Law

School of Law

Liverpool John Moores University

G.Wilson@ljmu.ac.uk

Copyright © 2008 Gary Wilson

First published in the Web Journal of Current Legal Issues

Summary

The central role played by the tutorial within the undergraduate law degree is largely unquestioned. Its importance is regularly emphasised by tutors, who seek to instil in their students the need to attend tutorials to derive the maximum benefit from their course and the greatest prospects of success in assessment. The key role played by the tutorial warrants further exploration of the main purposes which it serves and the approaches which academic tutors take towards the achievement of these objectives, especially in light of an apparent range of approaches taken towards the delivery of tutorials by tutors. This paper draws upon research undertaken by way of a survey of a sample group of legal academics in seeking to provide a greater understanding of existing perceptions of the tutorial process. In light of the findings of the survey, which indicate that whilst academics display much support for liberal legal education a heavy emphasis is placed upon the use of assessment orientated exercises within tutorials, the paper seeks to open up a broader debate over the appropriate purposes of, and approaches towards, the delivery of undergraduate law tutorials.

Contents

- Introduction
- The methodology and sample used
- Purposes of Tutorials
- Approaches to Tutorials
- Issues Arising from the Survey
- Determining the main purposes of the law tutorial
- Adopting tutorial models to serve these purposes
- Conclusion

Bibliography

Introduction

Within undergraduate law programmes the tutorial continues to be the main forum in which students are able to engage and interact with their tutors, discuss the various issues raised by the subjects which they are studying, and resolve any uncertainty or confusion upon their part as to the subject matter under consideration. Tutorials also provide a forum in which opportunities may present themselves for students to gain guidance upon, and practice in, examination technique. The importance of the tutorial forum is regularly emphasised by tutors, and students are constantly instilled with the need to attend their tutorials if they are to gain the optimum benefit from their course and be suitably prepared to succeed in assessment. It is common practice for attendance at tutorials to be regarded as compulsory, with defaulters being ‘chased up’ and called to account for their absence.

In light of the central role which the tutorial plays within the delivery of undergraduate law degrees, it becomes important to attempt to provide an understanding of the various purposes which tutorials fulfil within the undergraduate law curriculum and the approaches which academic tutors facilitate to achieve these. In a contemporary environment in which all aspects of higher education appear to be subject to various mechanisms which monitor the satisfaction of targets and measure the achievement of outcomes, it does not seem inappropriate to concern ourselves with questions pertaining to the purposes which the tutorial model for undergraduate law courses should and does serve, the means employed to achieve these, and their resulting outcomes. If the tutorial is regarded as integral to the undergraduate law degree, as the available evidence consistently shows that it is, an exercise which explores its very nature is surely worthwhile.

It is apparent that different approaches to structuring and delivering tutorials exist, and that there is no uniform template of the undergraduate law tutorial. In this author’s experience approaches to tutorials have varied between two significantly different, albeit not always mutually exclusive, models, which may possibly represent radically different views as to the main purposes of the tutorial forum itself. The first of these involves students being presented with a series of short, general questions which they may be expected to prepare note style answers to for discussion in class. The questions set (with

the exception of problem style questions) will not resemble formal assessment style questions, but instead serve as general markers for discussion of the more pertinent issues raised by the topics under consideration. In this sense there is no rigid structure to the tutorial, but rather general parameters guiding discussion, which may proceed in a variety of ways depending upon the interests or needs of the participants. In marked contrast to this model is one within which students tend to be presented with questions resembling formal assessment style questions. The intention is that students will draft out some form of outline plan or notes upon the questions in advance of the tutorial, which will then serve as a more specific reference point for discussion, with the aim being primarily to collectively answer in some form more specific questions. In this sense the tutorial structure is more rigid. Discussion is largely confined to preparing students for assessment by considering how particular questions should be tackled in an examination or essay setting.

The apparent divergence in approaches towards the delivery of tutorials provides the basis for an exploration of purposes and outcomes which tutorials are intended to serve and how this influences the approaches taken towards their delivery by tutors. It is not intended to explore in any detail the various techniques which may be employed in the delivery of law tutorials – for example, the use of group working exercises, student presentations, roundtable discussions and so on – but rather to consider how academics devise and structure tutorials in light of their perceptions as to the overriding purpose and desired outcomes of tutorials.

Drawing upon empirical research conducted in a small sample of law schools, this paper aims to consider the different ways in which tutors approach the delivery of undergraduate law tutorials, and to assess the extent to which there may exist tensions between achieving different objectives through the tutorial forum. The paper begins with an explanation of the methodology employed in conducting the research. This will be followed by consideration of what are regarded as the main objectives of the tutorial within an undergraduate law curriculum, and how these varying objectives are prioritised and reflected in the different approaches adopted by those responsible for the delivery of undergraduate law modules when designing tutorial content. Finally, perceptions of the intended outcomes of the undergraduate law tutorial will be considered. Having analysed the data produced by the survey, attention will be given to some of the issues which arise from this.

The methodology and sample used

To obtain the views of legal academics on approaches to tutorial delivery within the undergraduate law curriculum, a questionnaire was sent to a sample group of academics. The questionnaire consisted primarily of a box-ticking exercise, but participants were given the opportunity to clarify responses and add any comments they considered relevant to the exercise. The questionnaire was divided into four sections. The first section collected basic statistical information upon the participants and their teaching to provide an overriding picture of the sample group, and to make it possible to identify any trends and patterns in the responses received from academics sharing particular features

in common. The following three sections focused specifically upon the perceived purposes of tutorials, the form which the respondents' tutorials took and the considerations influencing this, and the desired outcomes of tutorials.

A few individuals were approached within each institution and asked for their participation within the survey. To ensure consistency, it was decided to restrict the survey to academics teaching in particular subject areas, and it was sent only to staff with teaching responsibilities in the areas of public law, the law of obligations and land law. While ensuring that the survey was directly relevant to much of the core compulsory undergraduate law syllabus, this specific focus made the empirical work more manageable, yet also allowed for any trends or differences in the delivery of these subject areas to be made apparent. Participants were asked some specific questions for statistical purposes, which would also allow for any trends or patterns arising from individual specific factors to be detected. These included the length of time they had been teaching law to undergraduates, allowing for the possibility that those with greater teaching experience may have significantly different perspectives of the tutorial to their colleagues who began teaching more recently. Participants were also asked to indicate the context in which they considered their modules were taught, allowing for the possibility that this may be influenced by, or influence, the perceived purposes the tutorials were intended to serve.

To obtain a representative sample of participants, six law schools were chosen to provide a 'focus group' for the survey. To ensure that this group was relatively representative of the wider legal academic community, half of the schools chosen were located in 'old' universities and half in 'new' universities. The institutions chosen were also geographically spread within the UK and varied when compared in terms of their performance against various criteria, such as institutional audits like the RAE.¹ Obtaining a relatively diverse sample of participants for the survey was important in order to make allowance for the possibility that institutional or participant specific factors could potentially influence perceptions of and approaches to the delivery of tutorials. Although six law schools comprises a small sample, it is submitted that the range chosen nonetheless provided scope for any diversity in perceptions to manifest itself.

The response rate to the survey was 72%, which included responses from all of the institutions sampled and from academics teaching all of the subject areas which provided the focus for the survey within each institution. Exactly half of the responses came from staff based in old universities and new universities respectively. Staff teaching land law provided 50% of responses, those teaching the law of obligations 36% and those teaching public law only 14%. 33% of participants had been teaching for over 20 years, 25% for 10-20 years, 25% for 5-10 years, and 17% for less than 5 years. The vast majority of respondents had overall responsibility for the modules they taught (85%), and tended to set all (58%) or at least some (33%) of the tasks for those modules. When asked to indicate the context within which the relevant module was taught, 46% responded that it was primarily in a doctrinal black-letter context and 46% in a combination of both doctrinal black-letter and socio-legal contexts, with only 8% regarding their teaching as

¹ For example, the institutions selected ranged from a 5* performance in the 2001 RAE to non-entry.

falling within an alternative context. No respondents taught in a primarily socio-legal context.

Generally speaking, the statistical information obtained indicates a fairly representative sample of participants. Respondents are evenly divided between old and new universities, and those who have taught for varying periods of time. There is also a fairly even divide between those teaching modules through primarily doctrinal and those adopting wider approaches. Most respondents had overall responsibility for the relevant module and tended to set all or at least some of the tutorial tasks for that module. One possible weakness of the sample is the relatively small proportion of responses obtained from those teaching public law, although arguably the significance of this can be overstated given the absence of any obvious differences in the responses obtained from those teaching in the sampled subject areas.

Purposes of Tutorials

Tutorials within the undergraduate law curriculum can serve a number of purposes, and the relative importance attached to these may influence the manner in which they are delivered by tutors, as well as the attitude displayed towards them by students expected to attend them. For example, a tutor who prioritises preparing students for their examinations is, perhaps, more likely to ensure that tutorials revolve around practicing answering examination style questions than is a tutor who is more concerned with providing students with a general forum for clearing up any confusion or questions they have, or simply stimulating their interest in the subject. Likewise, students pre-occupied solely with passing their examinations may be less likely to attend tutorials that they feel provide no assistance with examination preparation.

Participants in the survey were asked to rank on a scale of 1-5 the relative importance which they personally attached to different purposes which tutorials may serve.² Using the same scale, they were asked to rank these in terms of the relative importance which they believed students attached to them as reasons for attending tutorials. Although the same weight could be given to more than one purpose, should a participant wish s/he was given the opportunity to express one purpose of tutorials as far more important than all others.

Six possible purposes of tutorials were provided, as follows:³

- A. Providing students with a general forum for debating issues raised in the module;
- B. Providing students with an opportunity to practice answering examination style questions/writing essays;
- C. Providing an opportunity for students to clear up matters of confusion/difficult points;

² The scale ranked the importance of perceived tutorial purposes as follows: 1 = largely unimportant, 2 = slightly important, 3 = of modest importance, 4 = very important, 5 = essential.

³ Purposes A-E arguably embraced all likely perceived purposes of the tutorial, and the inclusion of 'Other purpose' in F allowed for the possibility of other purposes being identified by respondents.

- D. Providing an opportunity for students to develop their oral communication skills;
- E. Providing a forum for students to interact with their peers;
- F. Other purpose.

Respondents tended to attach the strongest importance to the first three of these listed purposes. When a mean result is calculated, the importance attached to each is as follows:

- A. = 4.3;
- B. = 4.0;
- C. = 4.6;
- D. = 3.9;
- E. = 3.3.

From this it would seem that participants overall attached most importance to the role of tutorials in clearing up matters of confusion and providing a general forum for student discussion. To a slightly lesser extent they valued their role in providing students with an opportunity to practice examination/assessment style questions and to develop their oral communication skills. Few respondents appeared to regard one particular purpose of tutorials as far more important than the others, but those who did were divided between purposes A (33%), B (17%), C (33%) and F (17%).

From the responses to these questions although it cannot be said that tutors generally attach priority to one purpose of tutorials above all others, where tutors have singled out one such purpose only a small minority have stated this as being the provision of an opportunity for students to gain practice in answering examination/assessment style questions. There was no relationship between the importance which participants attached to the various tutorial purposes and either their institutional location, length of teaching experience or subject area.

When asked to rank what they considered to be the relative importance of the different purposes for tutorials in generating student attendance, the mean result for each changes noticeably. While much importance is attached to students desire to receive practice and guidance in preparing for their examinations/essays, and in clearing up matters of confusion or difficult points (with a mean of 4.3 and 4.6 respectively), the other purposes for attending tutorials are not regarded as being of particular importance for students.⁴ Interestingly, several respondents suggested the importance of an alternative factor, this being essentially the compulsory nature of the tutorial within the institution and the disciplinary consequences attached to non-attendance. Those respondents who singled out one perceived purpose for student attendance at tutorials as far more significant than the others primarily singled out gaining guidance with examination/assessment preparation (44%) and the compulsory nature of tutorial attendance (33%). Again, there was no relationship between the importance which participants attached to the various tutorial purposes and either their institutional location, teaching experience or subject area. A possible weakness of the survey may be that students themselves were not surveyed upon their attitudes towards tutorials, although earlier research would appear to

⁴ Purpose A scored a mean of 2.7, D 2.4 and E 2.8.

support the contention that student attendance at tutorials is heavily influenced by a desire to gain guidance upon examination technique.⁵

Thus, tutors and students perceptions of the purposes underlying the tutorial forum do not appear to be complementary. While there appears to be strong common emphasis upon the importance of tutorials as a forum for clearing up matters of confusion or difficulty, different emphases then appear upon the part of each group. While many tutors regard tutorials as important for the general discussion forum they provide, they do not feel that students value tutorials in this way but that students do place a heavier emphasis upon the role of the tutorial in providing guidance upon examination/assessment technique.

In anticipation of possible different degrees of emphasis being placed upon the various objectives tutorials are designed to serve, respondents were asked whether during their academic careers they believed that the perceived purposes of tutorials had changed upon the part of either tutors or students. A majority did not believe that for tutors the perceived purposes of tutorials had changed much or at all (58%). For those who did detect change, the main developments were an increased emphasis upon the development of student skills as opposed to the general dissemination of information and student discussion, and the attachment of greater significance to the role of the tutor in facilitating discussion. This may account for the relatively significant importance attached by respondents to preparing students for examinations/assessment, and suggests that teaching has become more outcome driven. Perhaps predictably, most respondents noting changes from the tutor's perspective were academics with considerable teaching experience.⁶

Whereas most respondents did not believe perceptions of tutorials' purposes had changed considerably within their academic careers on the part of tutors, an overwhelming majority believed that their perceived purposes on the part of students had changed either significantly or somewhat (75%).⁷ The few respondents who did not believe the perceived purposes of tutorials for students had changed much were at relatively early stages in their academic careers,⁸ suggesting that changes in student attitudes represent longer term developments more apparent to those of longer standing within academia. Popular comments were that students increasingly see tutorials as a supplement to lectures and wish to play a more passive role, leaving the tutor to 'lead' them. Another participant commented that students increasingly attend tutorials in order to be prepared for examinations – as an ends to a means – rather than for the educational experience that is the tutorial itself. This sits well with the high level of importance which students were perceived to attach to tutorials as an examination preparation exercise, and the relatively minor level of importance attached to the tutorial as a forum for general discussion.

⁵ For example, recent research by Baderin (2005, p.104-5) found that 90% of Law students stated that examination hints were one of the things they looked for in a tutorial, a far higher percentage than looked for other things in tutorials.

⁶ All had over ten years teaching experience except for one respondent with under five years teaching experience.

⁷ 44% of these felt student perceptions had changed significantly, 56% that they had only changed somewhat.

⁸ All had been teaching for less than ten years.

In conclusion, it seems apparent that from the perspective of tutors several objectives are regarded as of particular importance, particularly clearing up confusion, providing a general forum for discussion, and assisting students in the development of the skills they will need to succeed in assessment. For most tutors, the perceived purposes of tutorials have remained primarily the same throughout their academic careers. In contrast, students are perceived to be more likely to attend tutorials to receive assistance with their preparation for assessment and sometimes because they are compelled to attend. For them, the perceived purposes of tutorials do appear to have changed over time with a greater tendency upon their part to adopt a more passive approach to learning, and to see the tutorial as a supplementary lecture and an examination preparation exercise.

Approaches to Tutorials

Having gained respondents perspectives of the perceived purposes of tutorials, the survey went on to explore how these might influence the approaches which they adopted towards the structuring of the tutorials for which they were responsible. Respondents were asked to consider four questions concerning the approaches which they adopted towards their tutorials. These related to the considerations which tutors took into account when setting tutorial tasks, the extent to which tasks set took various forms, the general manner in which tutorials were structured and the expectations of students within tutorials. The responses obtained to these questions demonstrated no variation based upon the institutional or individual characteristics of the participants.

On the same 1-5 scale used in the previous section, respondents were asked to rank the relative importance they attached to various considerations when setting tutorial tasks. These considerations were as follows:

- A. Providing a general open forum in which students can debate the issues raised by the relevant topic;
- B. Providing students with an opportunity to practice answering examination/assessment style questions;
- C. Providing students with an opportunity to give presentations upon specific topics;
- D. Providing students with an opportunity to undertake group work exercises.

The first two of these considerations were of the most importance to respondents, producing mean results of 4.3 (A) and 4.1 (B) respectively. Relatively little importance was attached to the other considerations.⁹ The primary considerations influencing tutors when devising tutorial tasks reflect their views as to what constitute the most important purposes of tutorials, as were explored above. Of those tutors who singled out one consideration as being of much greater importance than the others when setting tutorial tasks, interestingly a majority (63%) cited that of providing students with a general discussion forum. This suggests that perhaps a significant proportion of tutors are less

⁹ Both produced a mean figure of 2.7. However, this is not to say that student presentations and group-work exercises are not valued as techniques to be used within the tutorial forum, simply that providing these opportunities are not the prime considerations which influence tutors when devising tutorial tasks. Certainly they may be among the means used through which students are able to engage in general discussion and have opportunities to practice examination/assessment style questions.

concerned with preparing students for formal assessment than they are with providing them with a general educational experience that is an end in itself.

Having established the primary considerations influencing tutors approaches to devising tutorial tasks, respondents were asked how regularly the tutorial tasks which they set (excluding problem-solving exercises) took one of the following forms:

- A. The questions/tasks are relatively general bullet points serving as loose reference points for discussion;
- B. The questions/tasks take the form of formal essay style questions;
- C. The questions/tasks take the form of titles for students to present papers on;
- D. There are no questions/tasks set as such, simply topics or themes for a completely open discussion;
- E. Other form.

The different forms of tutorial tasks listed covered most commonly used approaches to tutorials, and in the event that the list provided was too narrow in some instances the inclusion of option E ensured that those tutors using other forms of tasks could indicate this. Again, respondents were asked to rank the extent to which the tutorial tasks they set took each of these forms on a scale of 1-5. However, this time the scale served to reflect the frequency with which these forms of tasks were used, varying from never to always.¹⁰ The responses obtained demonstrated a tendency upon the part of tutors to deploy a variety of tasks within tutorials, with each approach being used to some extent. However, when a mean figure is calculated for each one, formal essay style questions were, by far, the most commonly used form of tutorial task (mean = 3.3). Tutorials in which there were no questions set as such, but simply general topics for discussion, were almost never used (mean = 1.1), and questions taking the form of general bullet points as loose reference points for discussion or titles for students to present papers on were used to a limited extent, both producing a mean of 2.3. Those respondents who chose to state that they used predominantly one form of tutorial task were divided evenly between those who opted to set formal essay style questions and those who set predominantly problem style questions.

Based upon the responses to the survey it would appear that undergraduate law tutors choose, more often than not, to set as tutorial tasks formal questions resembling those which might feature in examinations or essays. Although to some extent to be expected, this is interesting in light of responses to some of the earlier questions within the survey. Although preparing students for examinations/assessment is regarded as one of the most important purposes of tutorials by tutors, and is a key consideration when setting tutorial tasks, much importance was also given by respondents to the tutorial's importance as a forum for general discussion and clearing up matters of confusion. Indeed, when giving priority to one purpose of the tutorial only a small minority of respondents selected its role in providing students with an opportunity to practice examination technique, and when indicating one consideration as being paramount in influencing their approach to structuring tutorials a clear majority stated this as being to provide students with a general discussion forum. It might be questioned whether placing an emphasis upon setting formal essay/examination style questions is likely to be always conducive to achieving

¹⁰ 1 = never, 2 = seldom, 3 = sometimes, 4 = often, 5 = always.

these other objectives of the tutorial. If the tutorial is built around very specific formal questions, to what extent is there a forum for general student discussion and clearing up matters of confusion? Arguably this is likely to depend upon how rigidly or flexibly the tutorial is structured, and what is specifically expected of students who attend. The next two questions asked of respondents sought to obtain some information upon these matters.

Participants were asked to choose from four statements a description which best described the structure of the tutorials which they taught. The four statements descended from describing a very loose structure to a rather rigid one, as follows:

- A. They are very loosely structured and the boundaries for discussion are quite flexible;
- B. They are usually loosely structured but some boundaries are imposed upon the scope of what is discussed;
- C. They are relatively clearly structured and discussion is centred on very specific matters, but there is some flexibility over their content;
- D. They are very clearly structured and discussion is confined to very specific matters.

Invariably respondents categorised the tutorials which they taught as being described by statement C (62%). A few regarded their tutorials as being best described by statement B (15%) or D (23%), and none by statement A. Thus, tutors generally appear to structure their tutorials relatively clearly, centring discussion upon very specific matters while leaving some flexibility over content. This may evidence a desire on the part of some tutors that, while providing clearly structured tasks which would serve as appropriate practice exercises for examination/assessment purposes, some flexibility remains within the tutorial forum for students to debate relevant issues more generally and clear up matters of confusion.

Also important in understanding how tutors approach the delivery of tutorials is their expectations of their students, as this provides further evidence of existing perceptions of the tutorial process. Using the same 1-5 scale as referred to previously within this section, respondents were asked to what extent the following would be required of students attending their tutorials:

- A. Students will be expected to provide formal responses to specific questions of the kind that could appear in an assessed format;
- B. Students will be expected to provide note form answers to specific questions of the kind that could appear in an assessed format;
- C. Students will be expected to have prepared basic notes on general questions for discussion;
- D. Students will be expected to be prepared to contribute towards a general debate on the more controversial or difficult issues raised by a topic.

A significant number of respondents expected students to be regularly prepared to contribute towards a general debate on the more controversial or difficult issues raised by a topic either always or often (mean = 4.3), and to have prepared basic notes on questions set for discussion (mean = 3.8). However, there was less expectation that students would

have prepared either formal or note form responses to assessment style questions, with the former producing a mean result of 2.8, and the latter 2.5.

From the responses obtained to this question, it would appear that regardless of the nature of tasks that tutors set their students for tutorials there is more of an expectation that students will be prepared on a general level for participation in discussion than that they will have prepared more formally, suggesting that tutorials do not appear in practice to be as rigidly structured as respondents answers to the earlier questions within this section of the survey initially appeared to suggest.

The responses to the third section of the survey produced an interesting range of information. Respondents gave evidence that the main considerations which dictated their approaches to tutorial task-setting were providing students with an opportunity to practice assessment style questions, as well as a general forum for discussion. The tutorial tasks set tended to take primarily the form of questions that might feature in assessment modes. Most respondents regarded their tutorials as being relatively clearly structured, while allowing some flexibility over the scope of discussion, suggesting that tutors may wish to avoid making tutorials too rigid so that the forum they can provide for general discussion and clearing up matters of confusion is lost. That students are expected to be prepared on a rather general level for tutorials suggests further that although tutorial tasks may take the form primarily of the kinds of questions found in assessment modes, the tutorials are intended to provide a more general forum for debating the relevant issues which such questions raise, as opposed to a forum which provides a mock assessment opportunity. However, it does give rise to the question that if students are expected to prepare themselves to engage in more general discussion, why tutorial tasks more usually take the form of questions that are used in formal assessment contexts.

Outcomes

To consider whether there existed compatibility with the perceived objectives of tutorials and the approaches taken towards their delivery, participants in the survey were asked to indicate the relative importance which they assigned to a series of possible outcomes from the tutorial process, using the same 1-5 scale used in the earlier parts of the survey. Four tutorial outcomes were listed:

- A. Students are better prepared for their examinations;
- B. Students are clearer in their understanding of the issues covered by the tutorial and any controversies or difficulties raised;
- C. Students have become more confident at engaging in oral argument and have improved their communication skills;
- D. Students have been able to develop their interest in the subject area.

When a mean figure is calculated for each of these from the responses obtained, most importance is attached to outcome B (mean = 4.8). This is followed by outcomes D (mean = 4.4), A (mean = 4.3) and C (mean= 3.7). Furthermore, of those indicating the importance of one tutorial outcome above all others, a clear majority (71%) state this to be outcome B. This lends further support to the view that tutors believe that the most important thing to emerge from tutorials is that students are clearer in their understanding of the subject area under consideration. It remains, perhaps, surprising however that

given their focus upon improving student understanding of issues, the dominant form of tutorial task is that of the formal essay or problem type question.

Following on from the earlier question which asked whether they believed the perceived purposes of tutorials had changed, respondents were asked whether they believed that the outcomes which tutorials were primarily designed to serve had changed at all in their experience. Respondents were equally divided in their responses between those who believed that intended outcomes had changed significantly or somewhat (50%), or not much or at all (50%). Those who suggested that intended outcomes had changed tended to emphasise the apparent shift away from the provision of a forum for general discussion to a more focused, outcome orientated tutorial model. Comments registered at this stage included that more focus is given to students passing exams than providing them with a critical understanding of the subject area and that a much greater level of explanation must be given to students than previously would have been the case. This serves to reinforce responses received to earlier questions suggesting an increased emphasis upon the use of tutorials as a means of preparing students for assessment as opposed to being beneficial for their own purposes.

Issues Arising from the Survey

Some important issues pertaining to the role of and most appropriate approach to the tutorial within the undergraduate law degree arise from the results of the survey. These issues concern what the overriding purpose of the undergraduate law tutorial should be, and in light of this primary purpose what constitutes an appropriate model for the tutorial. Although these issues require more detailed treatment elsewhere, they warrant at least brief consideration here due to the challenges they pose to the assumptions and preferences witnessed in some of the responses to the survey.

Determining the main purposes of the law tutorial

When asked to state the relative importance of various possible purposes of the undergraduate law tutorial, it will be recalled that respondents attached particular significance to a series of purposes. Ultimately, the importance attached to a particular purpose should be dependent upon one's philosophical perspective of the role of the undergraduate law degree in particular, and higher education in general.

There is a considerable amount of literature upon the purpose of education in general. Much of the debate centres upon the tension between the perceived value of education as an end in itself by virtue of the self-fulfilment which it provides to the individual, and its role in contributing to the broader needs of society by preparing individuals to be better trained members of the workforce and suitably equipped to perform particular functions (See Pring, 1995, Pring 2002). The former view is well articulated by Cardinal Newman, who argued that from a liberal perspective of education, "...knowledge is, not merely a means to something beyond it, or the preliminary of certain arts into which it naturally resolves, but an end sufficient to rest in and to pursue for its own sake" (Newman, 1960, p.78). In the context of undergraduate legal education, a liberal education is likely to

involve students being encouraged to develop their abilities to think critically and develop their understanding of the subject which they are studying, with this process regarded as being worthwhile in its own right. It does not matter for what purpose the students acquired knowledge and skills may be used at a later stage. The key point is that there is value in the educational activity undertaken irrespective of its outcomes, and the curriculum should not be influenced by bodies outside of those institutions in which education takes place, such as government, employers or professional bodies. The alternative view of education can be found within some of the stated purposes of higher education contained in the 1997 Dearing Report, which places some emphasis upon ensuring that individuals are “well equipped for work, can contribute effectively to society...” and that education “foster[s] their application to the benefit of the economy and society...[and] serve[s] the needs of an adaptable, sustainable, knowledge-based economy...” (Dearing Report, 1997, para.5.3) This vocational approach to education has as its purpose the preparation of students for particular functions within society, these essentially being work related. The value of education is outcome driven; it provides students with the skills and abilities necessary to perform particular jobs or enter certain careers, and it is important that external bodies have an input into the curriculum to ensure that broader societal needs are met by it (See Johnstone, 1999). Within the particular context of law, vocational education involves having particular regard to the demands of the legal profession in curriculum design, to ensure that graduates acquire skills deemed by the profession as necessary for their development as prospective legal practitioners.¹¹

The relative merits of these two views of the role of a university legal education have been rehearsed elsewhere (See Johnstone 1999). However, the question can be asked as to whether the dominant theories assist us further in establishing what the main purposes of the undergraduate tutorial should be? To some extent it is contended that they do. From a liberal perspective, where education is valued for its own sake, the tutorial forum would be less likely to be perceived as outcome driven as it would from a vocational perspective. A liberal approach to the tutorial would be expected to attach more importance to its role in providing a general forum for students to engage in discussion upon the issues which they have been studying, thus stimulating their interest, and clearing up matters of confusion in order to enable students to be more able to understand what it is they study and appreciate properly the knowledge which they acquire, than in preparing students for examination or assessment or particular modes of employment beyond their period of study. By contrast, adopting a vocational approach to the undergraduate law tutorial is likely to produce a view of the tutorial which is heavily related to specified outcomes. If students are to be conferred with a series of desirable skills and abilities to enable them to meet employment needs, within the law degree there is a need to instil students with these skills and abilities and monitor their progress in acquiring them. Ultimately, assessment within the degree is the means used to assess students’ ability to satisfy certain required skills. The tutorial forum provides an arena in which these skills can be nurtured along the way, with a specific end goal in sight.

¹¹ These two perspectives on education are not necessarily always diametrically opposed. A liberal education can still provide students with valuable skills for use beyond their studies, and a vocational education can still provide an educational experience that has value and delivers pleasure for its own sake.

However, preparing students for assessment cannot always be equated with providing them with vocational preparation. Nonetheless, in both instances the values influencing the delivery of education are outcome driven, whether the concern be ensuring that students are prepared to succeed in assessment or that they are equipped to take on particular functions in the world beyond university. In this sense it is perhaps more appropriate to view the main tensions in the debate over the appropriate purposes of the undergraduate law tutorial as concerning the extent to which it serves liberal goals and is an end in itself, and the extent to which it is related to specified outcomes, which will usually be measured through formal assessment.

The results of the survey would appear to indicate much implicit support among legal academics for a liberal conception of legal education, in light of the importance attached by respondents to providing students with a general discussion forum and clearing up confusion on their part, their two most highly ranked purposes of tutorials. Bradney (2000, p.344) contends that law lecturers have always espoused the values of a liberal education, and draws upon the findings of earlier research in support of this.¹² By contrast, it would appear that student perceptions of the purposes of tutorials are more outcome orientated with respondents indicating a widely shared belief that students attendance at tutorials is generated considerably by a desire to gain guidance on assessment technique. Similar surveys of student views on the law tutorial would appear to support this (Baderin, 2005, Bradney & Cownie, 1999, p.10), leading Bradney & Cownie to comment that “the tendency of students to focus on assessment is regrettable since, since it means they frequently fail to appreciate the value of other learning experiences” (Bradney & Cownie, 1999, p.34).

Having briefly explored the key parameters of discourse upon the role of education in general, and academic legal education in particular, and having noted that legal academics appear to evidence support for a liberal conception of legal education, it becomes necessary to explore further how the perceived purposes of the undergraduate law tutorial are given effect to through the models adopted by tutors for the tutorials which they take.

Adopting tutorial models to serve these purposes

When asked which considerations they attached the most importance to when setting tutorial tasks, respondents attached roughly equal significance to providing students with a general discussion forum as they did providing them with an opportunity to practice examination style questions. However, although students were not generally expected by most respondents to prepare formal or even note style responses to assessment style questions, at the same time the responses to the survey showed that law tutors tend to use formal essay style questions for consideration in tutorials more than any other task. General bullet point style questions were used to a significantly lesser extent.

¹² For example, in a survey of lecturers' views of assessment functions by Tribe & Tribe (1988), preparation of students for professional employment was regarded as the least important function. Another survey also found 74% of law lecturers rate teaching general intellectual skills as the most important objective of the law degree; See MacFarlane, Jeeves & Boon (1987, p.836).

Just as the viewpoint one takes of the purposes of education is likely to inform one's perception of the purposes of the undergraduate law tutorial, it would consequentially be expected to influence the approach one adopts in devising tutorial tasks. From a liberal perspective, a more open tutorial model where there are looser boundaries to guide discussion might be expected to be favoured. To ensure that the educational experience is enjoyable for students in its own right, allowing them to pursue their particular interests, and to encourage as much 'free-thinking' as possible, formal tasks modelled upon those used in examinations or assessment are likely to be discouraged in favour of bullet point type questions which encourage a more flexible discussion. Different emphases on the part of those more concerned with the achievement of certain outcomes through the tutorial forum is more likely to result in the adoption of a tutorial model in which students are set formal questions for preparation and/or discussion. The use of more formal tutorial tasks is designed to ensure students are developing knowledge and skills that are particularly specified in relation to the topic under consideration, and which seek to stand them in good stead for succeeding in assessment on their course.

This is not the place to enter into a debate upon the techniques which tutors on undergraduate law programmes should utilise in their tutorials, and the form which tasks set for students should take. It will suffice to say that it would probably not be considered unreasonable by many academics to incorporate both liberal and outcome driven elements within their teaching. As was noted earlier, for many students the tutorial forum is highly regarded for the opportunities it provides them to develop the skills and abilities which they will need to be able to demonstrate to succeed in assessment. Paying attention to their demands is likely to require some focus upon outcomes. However, at the same time, from a liberal viewpoint the tutorial must be endowed with more purpose than simply preparing students to pass examinations. Interest in the subject should be stimulated on the part of students. A tutorial model based solely upon formal examination style questions may prove incapable of delivering this given the narrower more structured focus which it adopts.

What is perhaps surprising – and even possibly of some concern – is that despite an evident attachment to the virtues of a liberal education upon the part of legal academics, there appears to be nonetheless a preference on their part for tutorials that are more outcome driven, particularly in relation to preparing students for assessment. This might be taken as something of a contradiction. If the importance of the tutorial is extolled for its role in promoting student debate, clearing up confusion, and hopefully stimulating interest, why is such a heavy emphasis placed upon structuring it around the consideration of examination/assessment style questions? If a liberal education is to be advanced, even if only in part, surely there must be scope for a wider variety of approaches to be taken in structuring law tutorials.

Arguably, the emphasis upon preparing students for assessment which seems to have come to dominate the tutorial agenda can be attributed to several external factors which impact upon the higher educational curriculum in general, and mark a shift away from the dominance of liberal thinking. There have certainly been increased moves in higher

education towards the measurement of outcomes. The QAA and RAE, amongst other quality measurement initiatives, have transformed the culture of higher education to the extent that both teaching and research are measured more by reference to outcomes. Certainly, this is alluded to in some of the responses to the survey. In particular, greater emphasis is increasingly attached to the preparation of graduates for the employment market, and the teaching of skills receives more attention within higher education courses in general. At the same time, the twin effects of the expansion of higher education and changes to student funding, have affected the very nature of higher education. Students are increasingly regarded as consumers, both by educational institutions and themselves, and come to expect more assistance by way of preparation for life beyond their time at university. The diversification of the student body also has its effects. A greater number are likely to see their degree course as purely a means to an end, and not see the inherent value which it has in itself. Other factors such as the higher number of weaker students and larger class sizes have also perhaps served to make it more difficult to adopt tutorial models which lack an assessment driven, more structured focus. Thus, the apparent contradiction between some academics belief in a liberal education and the adoption of outcome driven tutorial formats can perhaps be attributed, at least in large part, to tensions produced by external factors.

This is unfortunate, because if the undergraduate law degree – and therefore the tutorial – is to stimulate student interest and provide opportunities for students to engage in general discussion and pursue their specific interests, tutorials ideally need to be structured more flexibly than they appear to be in a large number of modules and institutions.

Conclusion

This paper began with a very basic idea relating to the manner in which undergraduate law tutorials are structured and the purposes which underlie the approaches adopted by academics towards the tutorials which they teach. A survey was conducted using a representative sample of legal academics to obtain views upon the purposes of, approaches to, and outcomes of the undergraduate law tutorial. The results of this survey were detailed in the earlier parts of this paper, and showed a diversity of views. It is apparent from these that while legal academics see a variety of important purposes as being served by the tutorial process, and evidence liberal perspectives of the role of tutorials, they demonstrated a preference for using formal examination style questions as the focus of their tutorials, implying an emphasis upon an outcome driven approach to the law degree. As has been shown, much of the debate on the approach to be taken towards the delivery of the undergraduate law degree revolves around the tension between those advocating a liberal legal education, and those preferring a vocational or outcome orientated education. It is suggested that this tension has been borne out in the different responses seen in the survey on undergraduate law tutorials. Thus, it is regarded with some concern that so much emphasis appears to be placed by law tutors upon the use of formal examination style questions for use in law tutorials, as a liberal education would appear to call for a more diverse range of techniques to permit more flexible discussion of subjects under consideration. There are reasons evident why those taking a liberal perspective may approach tutorials with more vocational objectives in mind. These stem

from external pressures. There is certainly scope to open a broader debate upon the extent to which liberal and vocational values influence the agenda for undergraduate law tutorials, and whether legal academics should allow themselves to be compromised by external influences to the extent to which they appear to be.

Bibliography

- Baderin, M. A (2005) 'Towards improving students' attendance and quality of undergraduate tutorials: a case study on law' 10 (1) *Teaching in Higher Education* 99
- Bradney, A & Cownie, F (1999), *Teaching Legal System* (Warwick: National Centre for Legal Education)
- Bradney, A (2000), 'An educational ambition for 'law and literature' 7 (3) *International Journal of the Legal Profession* 344
- Dearing Report (1997) Report of the National Committee of Inquiry into Higher Education, *Higher Education in the learning society* (London: HMSO)
- Johnstone, G (1999), 'Liberal Ideals and Vocational Aims in University Legal Education' 3 *Web Journal of Current Legal Issues*,
<http://webjcli.ncl.ac.uk/1999/issue3/johnstone3.html>.
- MacFarlane, J, Jeeves, M & Boon, A (1987), 'Education for life or for work?' 137 *The Law Teacher* 835
- Newman, J (1960), *The Idea of a University* (London: Holt, Rinehart & Winston)
- Pring, R.A (1995), *Closing the Gap: Liberal Education and Vocational Preparation* (London: Hodder)
- Pring, R (2002), 'Liberal Education and Vocational Preparation', in Barrow, R & White, P (eds.), *Beyond Liberal Education: Essays in Honour of Paul H. Hirst* (London: Routledge)
- Tribe, A & Tribe, D (1988), 'The assessment of students on law degrees in the public sector – law lecturers' views on student assessment' 22 *The Law Teacher* 68