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The Impact of a Global Pandemic on the Uneasy Relation between PBL and Lectures in a Law Curriculum

Sjoerd Claessens*

Abstract

Traditional lecturing has traditionally been one of the most prevalent methods of instructions in law curricula. This tradition dates back a millennium. The method has also permeated into learning philosophies that stand at odds with this instruction method, such as Problem-Based Learning. In the article it is investigated why lecturing is used so widely, whether there are additional reasons to do so in the legal discipline and whether recent developments – most notably the Sars-COV-2 pandemic – would or should lead to a departure from this instruction method. It is concluded that lectures will probably prevail and that there is a place for this instruction method in Problem-Based Learning even more so in a legal curriculum.

Keywords: Lectures; PBL; Pandemic.

Introduction.

Traditional *ex cathedra* lecturing has been part of law curricula since ancient times, and it is still a -central- part of any typical (law) curriculum until today.[1] This even holds true for law curricula that are based in the problem-based learning philosophy (hereinafter PBL), which constructivist approach to

*Maastricht University.

[1] Behr, A.L., *Exploring the Lecture Model: an empirical study,* in: 'Studies in Higher Education' [1988] volume 13(2), pp. 189-200; Bligh, D., *What's the Use of Lectures?,* 2000, San Francisco, Jossey Bass Publishers; Friesen, N, *A Brief History of the Lecture: A Multi-Media Analysis*, in: 'MedienPädagogik', [2014] volume 24, pp. 136-153. See also: Friesen, N., *The Lecture as a Transmedial Pedagogical Form*, in: 'Educational Researcher' [2011] volume 40(3) pp. 95-102.

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learning stands at odds with the basic premise of using lectures as a method of learning.[2]

Irrespective of – or perhaps related to – this central position taken by *ex cathedra* lecturing in law curricula – the effectiveness of this teaching method has been questioned extensively, both outside and inside the legal discipline and both outside and inside the context of PBL.[3] With the growth of so-called learning management systems and the rapid developments with regard to the possibilities in creating an editing the discussion for the last decade or so has mainly focused on the question whether lectures should be recorded or not.[4] Additionally, experiments with so-called knowledge clips were also conducted, albeit on a smaller scale.

The Sars-COV-2 pandemic has had an enormous – unprecedented – impact on (higher) education throughout the world. Literally overnight long standing and slow-moving discussions on development of higher education and the use of methods – such as lectures – therein became moot and education if offered at all – had to be offered online. Now that the first signals of a post-Pandemic reality begin to emerge, the question can be raised as to whether the changes made in relation to the Pandemic can act as a catalyst towards a more permanent change in how teaching and learning takes place in higher education in general, and in a PBL-based Law curriculum in particular.

This article is an exercise in critical thinking in order to investigate whether changes to teaching methods brought about by the Pandemic could or should lead to the abandonment of the traditional *ex cathedra* lecture in a PBL-based Law curriculum. In answering that question a synthesis will be made of different aspects of the discussion regarding *ex cathedra* lecturing based in a more or less doctrinal approach.

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[2] On constructivism see: Sjøberg, S., *Constructivism and Learning*, in: Peterson, P. et al (eds.), 'International Encyclopaedia of Education' volume 5, Oxford, Elsevier, 2010, pp. 485-490. On lectures in PBL see: Fyrenius, A., *Lectures in problem-based learning – Why, when and how? An example of interactive lecturing that stimulates meaningful learning*, in: 'Medical Teacher' [2005] volume 27(1), pp. 61-65.

[3] Schmidt, H. et al, *On the Use and Misuse of Lectures in Higher Education*, in: 'Health Professions Education' [2015] volume 1(1) pp. 12-18.

[4] See for example: Skead, N. et al, *If you record they will not come – but does it really matter? Student attendance and lecture recording at an Australian law school*, in: 'The Law Teacher' [2020] volume 54(3), pp. 349-367.

Why do we lecture?

As stated above *ex cathedra* lectures have been around since ancient times. Cultures – long before they could read and write – would ensure the transition of knowledge to new generations trough oral tradition.[5] During the dawn of the "modern" study of Law in Bologna in the 12th century CE written texts were scarce and the lecture – and therewith the oral tradition – remained necessary.[6] Absence or shortage of books cannot however explain the need for lecturing since the lecture survived the Printing Revolution and maintained a paramount – if not central – place in university education. That cannot be because of tradition alone. Friesen explains that when the necessity of the lecture as a mechanism to disseminate and literally copy texts that were still scarce was made redundant by the invention of the printing press, the lecture evolved from the authority of the text that was being dictated to the authority of the speaker himself.[7] The function of the lecture therefore shifted from an opportunity to gain possession of a text, to an opportunity where students could learn from an inspired speaker to interpret and analyse the subject matter before them, an exercise in exegesis and hermeneutics rather than an exercise in copying.[8]

I would agree with Friesen that the lecture is more than knowledge transmission alone and provides – even after all these centuries – for an important vessel of teaching in higher education that has a number of identifiable functions:

a. Knowledge transmission: The lecture is a vessel to transmit knowledge to students. From being the sole vessel of transmission, it has – over the centuries – become one of the many vessels. Traditionally, it was the direct transmission through the dictation of an underlying (hand)written source, while later it became transmission of knowledge trough an exegesis of underlying sources.[9]
b. Provide authority: Although a transition from the underlying written text to the actual person delivering the lecture, the lecture provides a basis of authority on which a student builds one's knowledge.[10]

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[5] Friesen, N., *The Lecture as a Transmedial Pedagogical Form*, in: 'Educational Researcher' [2011] volume 40(3) pp. 95-102, page 96.
[6] *Ibid.*
[7] *Ibid.,* page 98.
[8] *Ibid*., page 100.
[9] *Ibid.,* page 97.
[10] *Ibid.*

c. Transmit inspiration: In the later stages of the development of the lecture it became a manner to bring life to written text in a way to incite and cultivate enthusiasm for the subject matter and the field in general.[11]

In addition to the more substantive functions of a lecture described above, there might also be more mundane reasons for why lectures would feature in a curriculum. Examples of these can be found in a guideline for university lectures "Teach your best"[12] that states that lecturers like lectures because they are "an easy and safe way to teach"; administrators like lectures because they are "cost effective and easy to schedule" and students like lectures because there they are "told everything we need to know".[13] Behr simply states that lecturers are the most common and economical for of teaching and adds the prediction that that will likely remain the case.[14] The Sars-COV-2 Pandemic has also added – or at least made explicit – another function of lectures that might previously be easily overlooked since it was self-evident: Lectures also function as a social gathering.[15] It is an opportunity for students to meet and – often to the annoyance of the lecturer – interact with one another, albeit preferably in the periphery of such lecture. In such a way, lectures contribute to the increase of social cohesion between students in a given cohort. Obviously, that social cohesion goes beyond social interaction alone, it is an important element in the academic formation process of students. Through this type of interaction students will gain a better understanding of what it means to be a university student.[16]

Establishing these more mundane reasons, or even – with Friesen – identifying carefully the function of a lecture does not answer the question 'why do we lecture'? There is no research that shows the benefit of lectures as opposed to other methods of teaching that would provide for an overarching didactically founded decision to include lectures in our curricula alongside or even to the detriment of other vessels of teaching.[17] The answer to the question 'Why do

[11] *Ibid.,* page 100.
[12] Matiru, B. et al (eds.), *Teach your best – A Handbook for University Lecturers*, Bonn, DSE, 1995.
[13] *Ibid.*, figure 5.10.
[14] Behr, A.L., *Exploring the Lecture Model: an empirical study,* in: 'Studies in Higher Education' [1988] volume 13(2), pp. 189-200, page 189.
[15] See for example: French, S. and Kennedy, G., *Reassessing the Value of University Lectures*, in: 'Teaching in Higher Education' [2017] volume 22(6), pp. 639-654.
[16] *Ibid.*, page 650.
[17] *Ibid*. French and Kennedy rightly assess the debate as a largely opinionated one, with strong propagators on both extremes of the argument.

we lecture?' is in my opinion clearly explained through the historical tradition: we lecture because we were lectured to when were students. History has shown that the lecture is an enormously pervasive vessel of teaching that shows an uninterrupted (yet not unevolved) tradition of at least a millennium.[18]

Asking the question 'Why do we lecture?' also warrants asking the opposite question: 'Why should we not lecture?' I will address that question in the remainder of my argument, most notably in the context of the PBL philosophy, but before that it warrants to investigate whether – in addition to the general overview described above – there would be additional reasons to lecture in a Law Curriculum.

Why do we lecture in a law curriculum?

When modern universities emerged in Europe in the 12th century, they did so as law schools. For quite some time law was among the only academic degrees one could obtain – together with degrees in subjects like theology and philosophy. Law curricula across Europe can be distinguished – perhaps together with curricula in Medicine – from the bulk of other academic degrees since they atypically lead to – or at least are a part of the qualification track of – certain regulated professions. At least in the Netherlands a further distinction between medical and legal curricula can be made in the sense that the overwhelming majority of students who obtain a medical degree end up in medical practice, where only a minority of law graduates ever end up in legal practice. That strong entanglement of the curriculum in the qualification track for certain regulated profession also leads to the situation that regulatory authorities of said professions have -in practice- a large say in the content of the curriculum of a typical law degree. This influence of the professions in the Netherlands takes the form of a covenant[19] agreed between the regulatory authorities for the profession of *advocaat* (solicitor/barrister); *Officier van Justitie* (public prosecutor) and *rechter* (judge) and the nine Law Faculties in the Netherlands in which very detailed arrangements are made with regard to the content of a law degree (in the Netherlands spread over an LL.B. and an LL.M. degree). This leads to an approach in law degrees that is very much

[18] Taking the re-birth of universities in 12th century Bologna as an extremely arbitrary starting point.
[19] *Convenant Civiel Effect*, 22 March 2016, accessed via <www.advocatenorde.nl>, accessed 16 April 2021.

focussed on the transmission of knowledge of positive law.[20] The argument that the lecture is the preferred vessel of teaching in this discipline that is focussed on knowledge transmission is easily construed.

There might however be a more important reason as to why it is necessary in an expose regarding the method of lecturing it is necessary to focus particularly on law degrees. As established above, a lecture is first and foremost an exercise in hermeneutics.[21] As a teaching method the hermeneutics is mainly used to show students how the subject of studies should be interpreted or dealt with. This may be used for any discipline, also in situations where the methodology – or methodologies – of that particular discipline do not include hermeneutics itself. That is where law differs. Since hermeneutics, or at least exegesis or interpretation of texts is one of the most prevalent – and certainly the original-legal method, lectures – as exercises of hermeneutics take on a meta-form, whereby hermeneutics is not only used as a vessel of teaching – helping students to understand the subject matter – but also as an example on how to perform such an exegesis or interpretation, almost as a form of skills training in legal methodology.[22] In this way, the lecture becomes an exercise where the master shows an apprentice, or better put a number of apprentices, how exegesis should be done, in such a way that they might learn to perform such exercises themselves later on in their career as jurists. More concisely put, in a law curriculum a lecture is not only a method of teaching but also a teaching of method. That leads to the conclusion that in addition to general findings regarding the necessity or usefulness of lectures in higher education in general, there is added value to lecturing in a law curriculum since it provides students with a way to acquaintance themselves with an indispensable part of the legal discipline.

Having established that lectures have basically always been around, and they still fulfil the purpose they were designed to have and having established that for us jurists lectures have added value since they provide a way of teaching (a

[20] Or as Wong puts it: 'Legal education has been dominated by an obsession "to know the law".' See: Wong, Y.J, *Harnessing the Potential of Problem-based Learning in Legal Education*, in 'The Law Teacher' [2003] volume 37(2), pp. 157-173, page 157.
[21] Friesen, N., *The Lecture as a Transmedial Pedagogical Form*, in: 'Educational Researcher' [2011] volume 40(3) pp. 95-102, page 100.
[22] It goes far beyond the scope of this article to discuss the exact definition, extent and application of 'hermeneutics' in the legal discipline. For those subjects see for example: Mootz III, F.J., *Hermeneutics and Law,* in: Keane, N. and Lawn, C. (eds.), 'The Blackwell Companion to Hermeneutics' *s.l.* Wiley-Blackwell 2016, pp. 595-604.

part of) the legal method, why then would one ask the question "Why should we not lecture?". In a situation where there is no normative approach in an overarching teaching philosophy with regard to certain vessels of teaching – such as lectures – this is indeed a question that may never be posed. This is however different under the umbrella of an overarching learning[23] philosophy such as problem-based learning (PBL), as employed in my own University, that traditionally frowns upon the use of lectures.

Why do we lecture in a PBL philosophy?

It would go far beyond the scope of this article to give an elaborate introduction on the underlying ideas of PBL[24] but I will give a short explanation of the four underpinnings of PBL according to Maastricht University.[25] PBL is a constructive, contextual, collaborative and self-directed learning method. In this context these terms are to be understood as follows:

a. Constructive: PBL is a constructivist learning philosophy.[26] In essence, this means that knowledge is not a prefabricated entity that must be shown to or found by the learner but is – in contrast – constructed in the mind (or more accurately put the brain) of the learner. Teachers in constructivism are not the source of the knowledge that must in some way, shape or form be transmitted to learners in their traditional role of instructors, but merely process facilitators who facilitate learning that takes shape in the brains of the individual learners.
b. Contextual: This is probably the most eye-catching element of PBL indicating that learning takes place in a bottom-up manner rather than a top-down approach, meaning that students learn by tackling problems as they occur in society, rather than being taught a theoretical framework with or without a transition to problem solving later on.[27]
c. PBL is a collaborative learning philosophy. The collaborative element is on the one hand an extension of the constructivist element, from the prospect of co-constructing whereby the actual learning of a group is larger than the sum of its individual parts. On a more mundane level it

[23] The reference to *learning* rather than *teaching* philosophy is intentional; referring to PBL as a teaching philosophy would be a *contradictio in terminis*.
[24] An introduction to PBL can for example be found in Hung, W., et al, *Problem-Based Learning* in: Spector, J.M. et al (eds), 'Handbook of Research on Educational Communications and Technology' London Routledge 2007, p. 485.
[25] See: <www.maastrichtuniversity.nl/four-modern-learning-principles-pbl> accessed 16 April 2021.
[26] Sjøberg, S., *Constructivism and Learning*, in: Peterson, P. et al (eds.), 'International Encyclopaedia of Education' volume 5, Oxford, Elsevier, 2010, pp. 485-490.
[27] Traditionally, no attention was paid to such transition, leaving the ability to solve problem to later training, talent or chance.

also prepares students for a professional live where they have to constantly interact and communicate with others.

d. Also, the self-directedness of PBL is a logical consequence of its rooting in constructivism. Now that learning takes place in the brain in the learner, it is also the learner that must bear problem ownership of her/his own progress in that learning. In other words, there is no (quasi)contractual relationship in which teacher and learner engage or – as an extension of that premise- where the learner can apply a consumer-like attitude towards teaching.

At this point it is good to mention that the core learning node in PBL is a so-called tutorial, a small group (9 – 19 persons) of students in which cases are tackled according to the PBL method, as opposed to more traditional systems where the core nodes are generally lectures.

Having outlined the main features of PBL the question can be posed how a traditional lecture fits in this learning philosophy. On first glance it may already be clear that if lectures fit at all in this learning philosophy, it is not going to be an easy fit. Although lectures can still be aligned with a contextual approach – as described above, case-descriptions can be an ingredient of a lecture as an exercise in exegesis – they collide firmly with a constructivist learning approach since that approach negates starts from the premise that knowledge is not transferred (from a master to an apprentice for example) but constructed in the brain of the learner. In traditional views of PBL lectures therefore have no place. In my faculty for example – that was founded in 1981 as the first Law faculty to apply PBL – that vision was taken to such an extreme level that newly appointed full professors (who were – also in a strict reading of the PBL approach not appointed in a specific subject but as general professors in law) were not allowed to conduct an inaugural address, since such an address would be a lecture, and lectures had no place in PBL.[28]

Modern interpretations of PBL do not seem so outspoken against lectures.[29] Having said that, it remains interesting to explore why lectures – as a form of direct instruction and therewith at direct odds with the constructivist nature of PBL – managed to permeate in this constructivist learning philosophy.

[28] Lenaerts, M., *Onconventionele juristen, Vijfendertig jaar Rechtsgeleerdheid in Maastricht*, Maastricht Maastricht Univeristy 2017, page 39.

[29] Van Berkel, H.J.M. and Schmidt, H.G., *The Role of Lectures in Problem-Based Learning*, paper presented at the Annual Meeting of the American Educational Research Association (Seattle WA 10-12 April 2001), Fyrenius, A., *Lectures in problem-based learning – Why, when and how? An example of interactive lecturing that stimulates meaningful learning*, in: 'Medical Teacher' [2005] volume 27(1), pp. 61-65.

Literature regarding lectures in PBL does not directly address nor answer this question and seems primarily directed towards measuring the effectiveness of lectures in a PBL setting, seemingly accepting their occurrence as a *fait accompli*.[30] How then did these lectures become part of PBL? A possible answer to this question lies in the origin of PBL. PBL was born out of idealism in the nineteen seventies in the medical curriculum of McMaster University in Hamilton, Canada. For Maastricht University, also in the nineteen seventies PBL was the *raison d'etre* since the then revolutionary learning approach was an important reason for the government to allow the establishment of another university in the Netherlands. It was also in Maastricht that PBL was applied in other disciplines such as law and economics for the first time. Regarding legal curricula it is therefore interesting to look at how lectures eventually permeated in the strict application of PBL in the formative years of the Faculty of Law in Maastricht. The reason for this was humbly straightforward, down to Earth and – on hindsight – perhaps unsatisfying. As the Faculty grew, more staff were required, and reinforcements brought in mostly lacked the ideological conviction regarding PBL that the founders of the faculty portrayed. At that moment in time, there were no jurists who themselves studied in a PBL context, so when the initial idealism waned new staff brought in their own convictions regarding how jurists should be trained. These convictions were obviously influenced by their own training, and therewith lectures slowly but surely made their entry in the PBL system.[31] This process continues until today. Only recently the Erasmus Law School in Rotterdam joined Maastricht in applying the PBL system, at least in their bachelor programme, and also in the international field law faculties applying the PBL system are in a minority so that the majority of new staff that comes to work in Maastricht has no background in PBL. Of course, in the early days of the Faculty there was no mechanism for teacher professionalisation in PBL other than the idealism of those who founded the Faculty, but even in the present – in the era of PBL training sessions for new staff and the obligation in the Netherlands to obtain a University Teaching Qualification early on in one's

[30] See for example: Azer, S.A., *What Makes a Great Lecture? Use of Lectures in a Hybrid PBL Curriculum.*, in: 'Kaohsiung Journal of Medical Science' [2009] volume 25, pp. 109-115. See also: Moust, J.H. et al, *Signs of Erosion, Reflections of Three Decades of Problem-Based Learning at Maastricht University*., in: 'Higher Education' [2005] volume 50(4), pp. 665-683.

[31] Lenaerts, M., *Onconventionele juristen, Vijfendertig jaar Rechtsgeleerdheid in Maastricht*, Maastricht Maastricht Univeristy 2017, page 39. See also: Moust, J.H. et al, *Signs of Erosion, Reflections of Three Decades of Problem-Based Learning at Maastricht University*., in: 'Higher Education' [2005] volume 50(4), pp. 665-683.

career, the core question – why do we lecture in a PBL based learning philosophy is not even addressed, let alone answered. Regarding Maastricht, the tradition of PBL from one generation to the next lies for a not unimportant part in the hands of staff that is 'homegrown', and internal discussions on the sense and nonsense of (elements of) PBL seem to occur in cycles throughout the four decades that the Faculty has existed. Up until now the question as to why we lecture in a PBL system seems to have escaped these cycles.

Lectures as a form of teaching have an uneasy relation with the traditional fundamentals of PBL; as a direct form of instruction, this form of teaching may even be at direct odds with the constructivist underpinning of PBL. Still – as the example of the evolution of lectures in the Maastricht Law Faculty has shown – lectures have become an important element of the PBL teaching philosophy. There is no overarching didactical reason for this, but it occurs mostly due to divergence of a strict application of the model by the introduction of staff members who may not share the strict ideological views of those who chose the PBL model. So, in short, we lecture in a PBL system because staff started doing so.

How do we lecture?

Having established that we lecture – even under learning philosophies that – at their core – would not provide for lecturing as an instruction method – it can be reviewed how we lecture and whether this manner of lecturing has seen any significant development over the years. In this paragraph I will mainly focus on the technical aspect of this 'how' question and not on the different forms a lecture can take from a content perspective (i.e. a lecture primarily targeted at knowledge transfer in the bachelor phase, or a lecture designed to critically discuss a paradigm in a master setting for example). Looking at this question from this technical angle, one can observe that not much has changed. Lectures take place in person, in a given time slot, in a setting whereby the lecturer stands – sometimes literally behind a pulpit, or at least with a pulpit close by - opposite from the students who sit – in rooms of different shapes and sizes, who listen and take notes. This setting provides *ipso facto* for a unidirectional teaching style, where – if interaction with the students is introduced – it is done so under the direction and control of the lecturer. Technical developments have – as Friesen notes[32] – mainly served as support for this classical form that

[32] Friesen, N., *The Lecture as a Transmedial Pedagogical Form*, in: 'Educational Researcher' [2011] volume 40(3) pp. 95-102.

lectures take. In essence, there is no difference between a chalkboard, via overhead projectors and powerpoint presentations to the modern pulpits that look like aircraft cockpits to control all the audio-visual support the modern lecturer has at her/his disposal in this regard. At least not on face value. As I will make clear in the next paragraph these support mechanisms – at least some of them – have made an impact on how we lecture, or how these lectures are perceived by their target audiences.

This might be different with the recording of lectures. Since technological abilities arose to do so, there have been lectures that were recorded.[33] This was mostly done for archival purposes since there were no platforms to mass-disseminate these recordings. Recently – over the past decade or so, recording of lectures has become a – sometimes still controversial- point of interest as a standard element in teaching whereby recordings would be made available to students in digital learning management systems.[34] The main benefit of this exercise is that students would not be bound to the specific slot in which the lecture was scheduled and were able to (re)visit a recording later- for example for revision purposes. I will revisit this premise -and its implications – later on in this article. First, attention needs to be given to the audience in these lectures.

For whom do we lecture?

From the perspective of lectures – and their persistence as a teaching method throughout history – it is interesting to see whether and to what extent different generations, and their characteristics have – if at all – altered the way in which lectures are conducted. Characterising generations and attributing general behavioural traits or attitudes to these generations is not that old and primarily contained to social science research that originates in the United States.[35] At

[33] *Ibid.*

[34] See: Dommett, E.J. et al, *Staff and students views of lecture capture: a qualitative study*, in: 'International Journal of Educational Technology in Higher Education' [2019] volume 16(23), pp 1-12; Draper, M.J., *Lecture recording: a new norm,* in: 'The Law Teacher' [2018] volume 52(3), pp. 316-334; O'Callaghan, et al, *The use of lecture recordings in higher education: A review of institutional, student and lecturer issues*, in: Education & Information Technologies' [2017] volume 22, pp. 399-415 and *Skead*, N. et al, *If you record they will not come – but does it really matter? Student attendance and lecture recording at an Australian law school*, in: 'The Law Teacher' [2020] volume 54(3), pp. 349-367.

[35] See: Cilliers, E.J., *The Challenge of Teaching Generation Z,* in: 'PEOPLE: International Journal of Social Sciences' [2017] special issue volume 3(2), pp. 188-198; Mendoza, K.R., *Engaging Generation Z: A Case Study in Motivating the Post-Millenial Traditional College Student in the Classroom*, in: 'US-China Foreign Language' [2019] volume 17(4),

the moment we are teaching Generation Z, and in a number of years we will start teaching Generation Alpha.[36] Both generations are so-called digital natives, meaning that the internet has been around since their birth and has been integrated completely in their lives and upbringing.

The question can be asked – and is addressed in literature[37] – whether the general characteristics of these generation lead – or should lead – to differences in how we lecture, or whether we should lecture at all. For part of this answer, we can look to history, although generational characteristics were not researched back then as they are now. The invention of the printing press can be seen as a similar paradigm shift as the invention of the internet, and we have seen that although the general characteristic of the lecture changed from what was basically a copying exercise, to the exercise in hermeneutics we see today.[38] Looking at the insights from generational research in relation to teaching in general and lecturing in particular, we see a number of perceived characteristics of Generation Z that impact on the way teaching should be accommodated and that may not be particularly attuned to lecturing in its classic form. Emphasis should be put on the fact that these are perceived characteristics and that there may be serious issues with these types of generalisations.[39] Generation Z's attention span is said to be short[40] for example and therefore not suited for long sustained lectures. Moreover, Generation Z is used to making a lot of subconscious cost-benefit decisions to

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pp. 157-166; Mosca, J.B. et al, *New approaches to Learning for Generation Z,* in: 'Journal of Business Diversity' [2019] volume 19(3), pp. 66-74 and Popova, S., *Teaching Generation Z: Methodological challenges and their possible solutions*, in: 'Training Language and Culture' [2017] DOI:10.29366/2017tlc.1.4.2

[36] See: https://en.wikipedia.org/wiki/Generation_Alpha, last accessed 30 April 2021.

[37]See: Cilliers, E.J., *The Challenge of Teaching Generation Z,* in: 'PEOPLE: International Journal of Social Sciences' [2017] special issue volume 3(2), pp. 188-198; Mendoza, K.R., *Engaging Generation Z: A Case Study in Motivating the Post-Millenial Traditional College Student in the Classroom*, in: 'US-China Foreign Language' [2019] volume 17(4), pp. 157-166; Mosca, J.B. et al, *New approaches to Learning for Generation Z,* in: 'Journal of Business Diversity' [2019] volume 19(3), pp. 66-74 and Popova, S., *Teaching Generation Z: Methodological challenges and their possible solutions*, in: 'Training Language and Culture' [2017] DOI:10.29366/2017tlc.1.4.2.

[38] Friesen, N., *The Lecture as a Transmedial Pedagogical Form*, in: 'Educational Researcher' [2011] volume 40(3) pp. 95-102.

[39] See for convincing examples on this point: Lester, W.S. et al, *Persistent Myths about the Psychology of Education: Implications for Social Justice and Equity*, in: Parson L. and Casey Ozaki, C. (eds.), 'Teaching and Learning for Social Justice and Equity in Higher Education' (Foundations), Palgrave Macmillan, 2020, pp. 53-73.

[40] Mosca, J.B. et al, *New approaches to Learning for Generation Z,* in: 'Journal of Business Diversity' [2019] volume 19(3), pp. 66-74, page 67.

decide whether resources should be devoted to the task at hand. Classic multi-hour lectures may not necessarily fit with these types of characterisation.

As stated above, the most recent innovation with regard to lecturing – in response to[41] dwindling attendance and dwindling evaluations of lectures (that – at least in my institution-is consistently observed) – is recording of these lectures.[42] Recordings are then disseminated via the Learning Management System. This at least plays into the possibility of students to cater the following of lectures attuned to their own attention span and their own schedule.

Such an adaptation warrants the question whether these types of adaptations are neutral to the function of lectures. Having established above that a lecture is first and foremost a hermeneutic exercise, that might even have an added value in a law curriculum not only as a teaching method, but also as teaching of a method, it must be reviewed whether these functions can be retained in a recording. That seems at least doubtful to me. Basically, recordings cater for two types of audiences: those who have attended the original lecture and those who did not. The first category may benefit from the recording during revision and may – through the recording – revisit the hermeneutic exercise they participated in at an earlier time. This does not hold true for the second category. For them, the recording is their first point of contact with the lecture. That means that they have not been a participant in this exercise, but merely an observer. This is underlined by the fact that the recording of these lectures is not per se made for those who only observe. Recordings – at least in my institution- are made with one – fixed – camera (not of the highest quality) and a direct input of the microphone of the lecturer, which is then presented next to the PowerPoint presentation the speaker might use. The lecturer is primarily – and most often exclusively- concerned with those present, and interactions between attendees and lecturer are mostly lost for the observer since the students attending do not use microphones when asking questions (and may

[41] Elphick, L., *Adapting Law Lectures to Maximise Student Engagement: is it Time to 'Transform'?*, in: 'Legal Education Review' [2018] volume 28(1), pp. 1-25.
[42] See: Dommett, E.J. et al, *Staff and students views of lecture capture: a qualitative study*, in: 'International Journal of Educational Technology in Higher Education' [2019] volume 16(23), pp 1-12; Draper, M.J., *Lecture recording: a new norm,* in: 'The Law Teacher' [2018] volume 52(3), pp. 316-334; O'Callaghan, et al, *The use of lecture recordings in higher education: A review of institutional, student and lecturer issues*, in: Education & Information Technologies' [2017] volume 22, pp. 399-415 and *Skead*, N. et al, *If you record they will not come – but does it really matter? Student attendance and lecture recording at an Australian law school*, in: 'The Law Teacher' [2020] volume 54(3), pp. 349-367.

not be recorded for privacy purposes). So, where recordings might help those who attended, they are most certainly not the full experience for those who did not attend.

The observation above also deserves a small tangent with regard to PowerPoint presentations. Part of the lecture as hermeneutic exercise would also be that students themselves would be able to distil and build a structure from the lecture as delivered. The introduction of – mainly PowerPoint – as a supportive tool with regard to lectures has led to a reliance of students on these slides up to a point that they report that they are no longer able to distil such structure without such a presentation – or at least prefer to be offered such structure.

These observations have led to modest experiments with other types of delivery whereby the characteristics of a lecture were transposed to so-called knowledge clips. Where in a normal situation such modest experiments would most probably have led to a more extensive pilot here and there, and maybe structural implementation after that, external factors dictated otherwise.

A Global Pandemic

Since the tradition of lecturing goes back to classic times, the coronavirus pandemic is by no means the first pandemic that has challenged this form of education. The response with regard to education during the Spanish Flu a century ago is well documented, and there are even historic records regarding the influence of earlier Plague-epidemics on education in those times.[43] The point can be made, however, that this pandemic is different. Different in its reach, seeing that most of the globe is affected at the same time (where earlier pan- or epidemics were more limited in their geographical reach – whereby it proved enough to move education from the affected city, to nearby rural areas[44]) and different in that there is the possibility to adapt radically making use of digital devices and solutions that were not available in earlier pandemics (as opposed to lecturing in the open air, as was used during the Spanish Flu[45]). The outbreak of the coronavirus made that the modest developments that were signalled at the end of the previous paragraph, now had to be used as

[43] See: www.bestcolleges.com/blog/higher-education-and-pandemics/, last accessed 30 April 2021.
[44] *Ibid.*
[45] *Ibid.*

contingency measures to keep education going. A short reconstruction from the perspective of my own institution:

In the afternoon of Thursday 12 March 2020, the Prime Minister of the Netherlands issued wide ranging restrictions in order to counter a massive spike of coronavirus infection that was at the verge of overwhelming the Dutch Public Health system. Among these far-reaching restrictions was the prohibition to have on-site education in higher education as of Monday 16 March 2020. At that point in time, some 40 courses in the Law Faculty of Maastricht University were at the end of week 5 of a 7-week course period, with an exam week after that. The Faculty had to adapt to this new reality within three days. On Monday the 16th the Faculty was fully operational online. Tutorials – the core educational node in the Maastricht PBL system – were still conducted according to schedule, albeit no longer in person, but via online collaboration tools such as collaborate ultra – or very quickly after that – zoom. Regarding lectures, options were more diverse. In those initial days some colleagues kept lecturing via the same tools through which tutorials were offered, while others resorted to offering their lectures in an asynchronous format, so no longer offering them live, but resorting to different forms of recordings; freeing up lecture slots in the schedule to spend on more interactive contact with students, for example in the form of question-and-answer sessions.

After the initial crisis phase a decision was taken to offer lectures – at least in the bachelor programmes- in an asynchronous form, but no decision was taken on how these lectures would take shape. That meant that the different forms of asynchronous recordings persisted. These take – generally speaking – the following forms:

- Recorded lectures of earlier years;
- Voice recordings over PowerPoint slides (using PowerPoint's voice recording feature);
- Knowledge clips recorded using Zoom or similar platforms;
- Knowledge clips recorded using external audio/visual equipment.

Taking the starting point that lectures are – or should be - an exercise in hermeneutics, it warrants some more attention to see whether the approaches chosen in order to conduct lectures in during the pandemic do indeed fulfil this purpose. For recordings of lectures of earlier years, i.e. lectures that were conducted *in vivo* before the pandemic, much the same can be said as what was said with regard to recording lectures in general above, with the added

observation that the total cohort of students who are confronted with these lectures are now observers rather than participants, meaning that they will at best witness a hermeneutic exercise rather than be part of it. A narrative recorded over PowerPoint slides also falls short of this idea of a hermeneutic exercise and may in line with the tangent on PowerPoint slides above, place too much of an emphasis on the PowerPoint slides as the core of the lecture, basically reducing the lecture to pure transfer of knowledge.

Knowledge clips, however, could come closer to the full experience of an *in vivo* lecture. Knowledge clips – unlike recorded lectures – are designed and made to be watched online and can therefore focus on making viewers feel more engaged with the content of the knowledge clip, and act more as a participant in the hermeneutic exercise rather than a mere observant thereof. The initial investment in creating these knowledge clips – certainly in the midst of a pandemic – with lacunae in skills on the parts of lecturers requested to create these clips, and lacunae in hardware required to create these clips – is high. A workable intermediate was found in recording knowledge clips in zoom or similar platforms, overcoming at least in part the lack of editing skills and hardware requirements for more professionally recorded knowledge clips. Obviously, even though knowledge clips may be better suited to replace lectures than recordings of earlier lectures, they still lack direct feedback or any other form of interaction between students and lecturer.

Regarding lectures the pandemic has served as an unrequested and unwanted catalyst that has put generally modest and small-scale experiments in the natural evolution of these lectures to the forefront and turned them in a bare necessity in order to be able to conduct some form of teaching during such a pandemic. It is to be expected that the pandemic will – eventually – subside where a return to a more familiar normal, or entrance in to a new(er) normal will again be possible. Such a – much anticipated – return also leads to a more uncomfortable question:

Should lectures survive?

The overview above has shown that the method of lecturing, in all its apparent simplicity, has shown remarkable tenacity over the centuries, making it highly unlikely that the Sars-COV-2 Pandemic of 2019-202? will herald the end of this method that has survived everything up until now, including numerous wars and pandemics. Therefore, it is safe to say that lectures will probably

survive, which does not necessarily mean that they should – or should in the form they existed before the pandemic.

The overview above has also shown that in their tenacity, lectures are also not devoid of evolution; and considerable evolution has been shown in that overview. That has now led to a lecture that has three major objectives: transfer of knowledge; example or provision of authority and provision of inspiration. Answering the question whether lectures should survive should therefore take into account whether a credible alternative is present that would make the lecture obsolete as a form of teaching used for digital natives in a 21st Century post-pandemic world.

For the knowledge transfer element that might be true. Taking into account technological advancements that facilitate the recording and digital dissemination of the knowledge transfer element of a lecture in a way that also fits better with perceived preferences and learning styles of Generation Z and Generation Alpha, it could be argued that this element of lecturing could be approached in equally effective – if not more effective manners. Where recording of lectures was already commonplace in many institutions and modest experiments with other form of presentation of lectures in the digital age were going on before the pandemic, that same pandemic may serve as a catalyst that will speed up this element of the evolution of lectures. That leaves the second and third element of lectures described above, and that define the lecture as a hermeneutic exercise: provision of authority and inspiration. Here my observations lead to a different conclusion: Up to this point there is no evidence that any of the digital alternatives to lectures presented can replace this second and third function of these lectures. They require human interaction and actual participation rather than mere observing. To a certain degree, elements of these two functions can be emulated in a digital form – a knowledge clip – where a lecturer speaks directly into the camera addressing an audience emulates participation in a traditional lecture already much more closely than the distant observing that results from watching a recorded lecture that is addressed to a live audience. To a degree that may help with transferring authority – and for those with talent in producing that particular type of content – inspiration. But those two elements are much more at home in a synchronous – and perhaps even live environment. In that light, it is interesting to see the development of the poorly named Q&A sessions. When lectures were moved to an asynchronous format at the beginning of the pandemic a decision was taken to leave the lecture slots in the timetable and fill those slots with an

opportunity for the lecturer to interact with students in the course – based on issues the students were still having difficulties with even after discussions in their tutorial groups (the core learning node in a PBL system). These Q&A sessions have proven to have the potential to become fertile grounds in which mostly the second and the third element of a lecture – authority and inspiration – take the foreground over knowledge transfer – which both students and lecturers seem to welcome. With the need of knowledge transfer out of the way, such a session provides for an opportunity to have an academic interaction with students that can be highly interactive. It should however be noted that none of these alternatives can replace the social cohesion element of an *in vivo* lecture as described above.

A sub-question in this paragraph could be: should lectures survive in a PBL system? After all, doctrinally – lectures do not seem to have any place in the traditional concept of PBL and they seem to have seeped into PBL-based systems, rather than having been incorporated on the basis of a conscious decision. A disruptive occurrence like a pandemic (of which PBL has – as opposed to lectures – has not seen any since its inception in the nineteen seventies) would be an ideal opportunity to correct this anomaly. Even if that would be true or desired from a formal point of view, I would not agree with that view materially. In my opinion, one of the weaknesses of traditional PBL would indeed be the lack of possibilities to offer – generally put in the words of the previous discussion – authority and inspiration. Those elements, or shortly put, an example, is in my opinion an unmissable element in any decent academic education – or any education for that matter. I am also of the opinion that it is perfectly possible to incorporate these elements of authority and inspiration within the CCCS-principles explained above. That leads to the conclusion that also in a PBL-based curriculum should survive as long as they seek to incorporate the authority and inspiration elements of a lecture as a hermeneutic exercise. The disruption of the pandemic does provide an opportunity to correct the anomaly of the fact that lectures were never properly embedded in the PBL philosophy.

Taking into account the observations above, the future of lectures should – in my opinion – be seen in the light of diversification. When deciding to resort to a lecture or not, course organisers should make a conscious decision on why an *in vivo* lecture is the best vehicle of learning in that particular circumstance, even more so since the pandemic has only broadened the palette of options

when it comes to these learning vehicles. On that palette, *in vivo* lectures always were, and continue to be, an essential element.

Conclusion

In the previous analysis I have tried to do a thought exercise with regard to the question what the position of *ex-cathedra* lectures should be teaching digital natives after the Sars-COV-2 pandemic, more specifically in a PBL based law curriculum like that in my own institution. In order to answer that question, I researched the history of lectures, the way in which lectures have evolved in their function, the evolution in audience and the specific role of lectures in both a law curriculum and in a PBL learning system.

That leads to the conclusion that the modern lecture – based on a very long tradition – has grown into a hermeneutic exercise that has three main functions: to transfer knowledge, to provide authority and to instil inspiration. For a law curriculum, lectures have an additional function: they are not only a method of teaching, but also a teaching of method – since the hermeneutic exercise is an important element of the legal method. I have also established that out of these functions it is only the knowledge transfer that is relatively suitable to be exercised in other manners than a traditional lecture – but that the other elements of the lecture as a hermeneutic exercise – providing authority and inspiration – cannot be (easily) transformed to other means. Lecture-recordings – before the pandemic already an ever-growing practice to accommodate students – reduce students who only watch the lecture recording to observers of a hermeneutic exercise – rather than be participants in that exercise, leading to the conclusion that these recordings cannot serve as replacements of lectures as such. I have argued that dedicated knowledge clips are better suited to simulate the participation in the hermeneutic exercise – certainly where knowledge transfer is concerned – but that also this form lacks personal interaction and is therefore also lesser suited to replace the authority and inspiration elements of an *in vivo* lecture. These functions should therefore be accommodated elsewhere – for example in so-called Q&A sessions that are conducted in such a way that interaction with the students is possible. Even then the social cohesion aspect of a lecture cannot be emulated with those vehicles of learning.

I have also concluded that lectures are a common form of instruction in a PBL based system even if the element of direct instruction of a lecture stands at

direct odds with the constructivist underpinnings of PBL as a learning philosophy. Even in this situation, lectures do fulfil an important role, certainly in legal curricula, since – because of its constructivist underpinnings – PBL lacks a proper integration of the two other elements of lectures – authority and inspiration, that – in my view – are invaluable in any academic education.

The Sars-COV-2 pandemic has turned the calm flow of experimentation regarding alternatives for lectures into whitewater rapids since *in vivo* lecturing was no longer possible. The methods used in the pandemic have managed to safeguard the knowledge transfer element of lectures but fall short of being able to properly transmit the other two – and arguably more important elements of a lecture. Even though the pandemic was – and still is – a large disruptive element in the way university teaching is conducted – it will most likely not be the end of *in vivo* lectures, nor should it be. That does not mean, however, that lectures will not further evolve, as they have in centuries before, perhaps to a point where they may no longer look like lectures as we know them. Alternatives for lectures can and should be explored, as long as the three main elements that lectures seek to achieve are taken into this exploration which should therefore not be limited to knowledge transfer alone.