

# The Relevance of the Case Method to Archival Education and Training

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IN RECENT YEARS THERE HAS BEEN CONSIDERABLE DEBATE over whether archivists, collectively, approach the care of records, papers, and manuscripts as an art, craft, or science. It is a difficult question and generally is resolved only on an individual basis, as each person understands and articulates his or her own approach to archival problems. In considering the status of archival education in the United States, I would prefer to sidestep the search for a precise label and assume that there is general agreement that archivists are professionals and as a group constitute an emerging profession with its own identity. If we agree that archivists do indeed constitute a profession, then I believe that discussions regarding the education and/or training of new professionals should not center on the problem of who or what we are, but rather on how we can best prepare men and women to make reasoned and correct judgments when confronting problems in the administration of modern archives and manuscript libraries.

The question of what constitutes an appropriate curriculum and method for the education of prospective archivists has gone on for more than sixty years. Because the establishment of archives in the United States was fostered by historians in the early part of the century, prime movers in the field, such as Waldo Leland and J. Franklin Jameson, generally preferred a historical orientation for the "training" of archivists, though they recognized the relevance of other disciplines such as the law and the then-emerging field of library science.<sup>1</sup> This trend was underscored in 1936 when Samuel Flagg Bemis, speaking for the Committee on the Training of Archivists of the newly established Society of American Archivists, reached a similar conclusion.<sup>2</sup> Despite this early general agreement on what should constitute the training of archivists, the archival training programs which have emerged in recent decades can only be characterized as an incredible variety. Some concentrate on the history of the field, some draw on European practices, and some teach the history of administration. Other programs are based on the experience of a single institution. As textbooks emerge, some concentrate on a rules approach, while others identify more closely with library science and reject historical training.<sup>3</sup> In short, there is general agreement that some sort of training is necessary to prepare an aspiring archivist, but there is no

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<sup>1</sup> Frank B. Evans, "Archival Training in the United States: An Unresolved Problem," *Archives Et Bibliothèques De Belgique*, vol. 46, no. 3-4, 1975, p. 524.

<sup>2</sup> Evans, "Archival Training," p. 525.

<sup>3</sup> Robert M. Warner, "Archival Training in the United States and Canada," *American Archivist* 35 (July/October 1972): 347-50.

general consensus at all as to what constitutes the best method to this end.<sup>4</sup> The Committee on Education and Training has recently provided some guidelines as to course contents, but to date there has been little emphasis on methods best suited to acquaint new students with the increasingly complex problems in modern archives administration and records management. Since no consensus has emerged regarding the method of educating archivists, it seems appropriate to look at the more established professions and examine how they have coped with the problems of proper preparation for those seeking to enter the field. For this purpose the debates regarding education for the legal profession seem particularly relevant.

The legal profession is among the oldest organized professions in America. Founded in 1878, the American Bar Association was, among other reasons, established to maintain and insure standards among those practicing law. The ABA was the first of many associations founded in the latter part of the nineteenth century in reaction to the haphazard training and the lax standards of persons who called themselves lawyers, historians, doctors, etc. The American Medical Association, the American Historical Association, the American Sociological Association, the American Economic Association, and the American Library Association were all founded to this end. In the process of setting standards of professional behavior, all of these associations were much concerned with the proper method of education and training of new members. Thus the intense debates over what constituted proper education in preparation for a career in law and in other professions began many years ago.<sup>5</sup>

Why select the law as a model solution for problems facing the archival profession today? This can be answered by first considering what archives is not, and then looking at what it is. Archives is not an academic discipline which seeks to explain events or behavior. Though the materials with which archivists deal are useful to that end, the archivist, in the course of normal activity, seeks to document properly rather than to interpret. It is in the nature of the process of documentation that the relevancy lies. Archives is not a precise science governed by rules. As T. R. Schellenberg noted, "Archival techniques can be defined more precisely than those of the historical profession, but not as precisely as those of the library profession."<sup>6</sup> Archives is a profession which requires the ability to define order and make available the significant records of the individuals and institutions which compose society. Equipped with a few important principles, the archivist must learn to interpret these principles in the light of changing circumstance. As our society and its institutions become more complex, so do the records which document its evolution. They constantly demand new interpretations of standard practice, and they require educated decisions on the applicability of established principles to evolving circumstance.

So too, it is argued, does the law rest on certain cherished rights and principles which must be interpreted and applied to changing circumstances. The law of property is based on the fundamental notion that private property must be protected and respected. This is a fundamental precept upon which a whole body of law depends. As society has grown more complex, industrialized, and

<sup>4</sup> Philip P. Mason, "The Society of American Archivists in the Seventies: Report of the Committee for the 1970's," *ibid.*, pp. 207–10.

<sup>5</sup> Thomas C. Cochran, *Business in American Life* (New York, 1972), pp. 192–95; and Robert Wiebe, *The Search for Order* (New York, 1969).

<sup>6</sup> T. R. Schellenberg, *The Management of Archives* (New York, 1965), p. 71.

urbanized, interpretations of the law of property have evolved to meet new situations and new definitions regarding what property is and to whom it belongs. While the fundamental principles of property remain unaltered, new laws are written and interpreted to define these principles.<sup>7</sup>

Thus the challenge of legal education has been to prepare those intending to enter the profession with a background adequate to the task of analyzing, interpreting, and applying a constantly evolving body of laws. Very early there was a realization among educators in the field that *the* law could not be taught, since laws encountered in training were certain to change during the course of the career of the prospective lawyer.

As a result, two methods for teaching developed in the pre-professional period (i.e., pre-ABA, 1870s). The first and oldest method was apprenticeship through which a promising young man was invited to assist a practicing lawyer and read into the law. At a certain point, always difficult to define, the man was released, pronounced a lawyer, and permitted to practice. As schools of law were established, the emphasis shifted from experience to text learning. Since certain principles were considered the law's foundation, educators felt obliged to teach the nature of those principles through Blackstone's *Commentaries* and other standard treatises.<sup>8</sup> In 1871 these traditions were strongly challenged by Christopher Columbus Langdell of the Harvard Law School. In that year he published his text, *A Selection of Cases on the Law of Contracts: with References and Citations, prepared for Use as a Textbook in the Harvard Law School*, which was to revolutionize legal education in America. Prefacing his selection of specific reported cases he noted:

Law . . . consists of certain principles or doctrines. To have such a mastery of these as to be able to apply them with constant facility and certainty to the ever-tangled skein of human affairs, is what constitutes a true lawyer; and hence to acquire that mastery should be the business of every earnest student of law. Each of these doctrines has arrived at its present state by slow degrees; in other words, it is a growth extending in many cases through centuries. This growth is to be traced in the main through a series of cases; and much the shortest and best, if not the only way of mastering the doctrine effectually is by studying the cases in which it is embodied.<sup>9</sup>

He goes on to note the importance of locating cases for this purpose, which appear in many guises. Thus, for Langdell the object of teaching by case method was to have students search out inductively these fundamental principles from various cases in which the principles were applied.

Langdell's volume, *Cases on the Law of Contracts*, and his new approach were received rather skeptically at first. On the philosophical level, many critics felt that this new approach demeaned the study of the law, which in essence ought to be a philosophy. The law was a set of abstract principles upon which rested the order of civilization. Simply to isolate specific cases was to emphasize specifics and lose for students any sense of general principles. Individual cases, it was argued, illustrated the law only at one moment in time, giving no sense of what the law in essence *is*. The debates on the casebook method very quickly became embroiled in the larger questions important in turn-of-the-century intellectual life. The case method was considered a pragmatic approach, and as a result

<sup>7</sup> Charles Donahue, *Cases and Materials on Property* (St. Paul, 1974).

<sup>8</sup> Josef Redlich, *The Common Law and the Case Method* (New York, 1914), pp. 7–8.

<sup>9</sup> Christopher C. Langdell, *A Selection of Cases on the Law of Contracts: with References and Citations Prepared for Use as a Textbook in the Harvard Law School* (Boston, 1871), Preface.

irritated those who were opposed to more varied and “realistic” course offerings in higher education. Langdell argued that he was making the study of law more “scientific” in the broader nineteenth-century definition of the term. The historical profession also began to consider the application of the scientific method to the study of history, and the resulting need for raw material led to the surveys of historical records by the American Historical Association. Many scholars found repulsive this universal application of scientific principles and methods and attacked Langdell on this ground. On the practical level, critics felt that the case method was too slow. It simply took too much time to have students read through a variety of cases to realize a principle which could be explained abstractly in a few paragraphs. Langdell countered that the goal should not be time but adequate preparation, and he defended his method as a superior preparation.<sup>10</sup>

Despite criticism, the case method caught on rather quickly and inspired significant new casebooks. More important, in the ensuing decades a shift of emphasis occurred. Educators began to see the case method not only as one through which students inductively came to an understanding of the fundamentals of law but, more significantly, as an excellent way to train the legal mind. Advocates began to argue that the method sharpened analytical ability and powers of reason. One wrote that:

The student is required to analyze each case, discriminating between the relevant and the irrelevant, between the actual and possible ground of decision. And having thus discussed a case he is prepared and required to deal with it in its relation to other cases. In other words, the student is practically doing as a student what he will be doing as a lawyer. By this method the student's reasoning powers are constantly developed, and while he is gaining the power of legal analysis and synthesis he is also gaining the other object of legal education, namely, knowledge of what the law actually is.<sup>11</sup>

This shift of emphasis was noted in a study of the case method by Joseph Redlich in a 1914 report to the Carnegie Foundation for the Advancement of Teaching. He noted that the case method had altered the whole concept of legal education from acquainting students with the fundamental principles of the law to training students in characteristically legal thinking—that is, to train students to think legally.

As archivists and archival educators develop standards for education and training within our increasingly better defined profession, we should look both at course content and at method. In considering method, the case method as adopted in law schools seems particularly relevant. First, there is some similarity in the nature of the two subjects; second, there is some similarity in the practical application of the two disciplines; and third, professional training in the two fields is conducted for similar purposes.

Similarities in the nature of the two subjects, law and archives, seem worth considering. Both fields rest on a small group of important principles. All of us have been taught the importance of provenance, original order, access, preservation, privacy, use, and security. These are the principles upon which the daily

<sup>10</sup> Redlich, *The Common Law*, pp. 15–53. See also Samuel Haber, *Efficiency and Uplift* (Cambridge, 1964); Samuel P. Hays, *Conservation and the Gospel of Efficiency* (New York, 1959); Frederick W. Taylor, *Principles of Scientific Management* (New York, 1914); and Jacob H. Landman, “Anent the Case Method of Studying Law,” *New York University Law Review*, April 1927, pp. 139–60.

<sup>11</sup> Redlich, *The Common Law*, p. 24.

activities of the professional archivist rest. They are not rules easily learned, but rather principles applied day in and day out. Often the essence of some principles contradicts the essence of others, forcing the archivist to render judgments and decisions which strike an appropriate balance. The balance is based on specific institutional requirements and needs. For example, consider decisions which must balance the need for preservation yet satisfy requests for use of materials, or which must balance donor restrictions with researcher access.

To what are these principles applied? They are applied to the records and papers of society. As the principles of law are applied to society as it evolves in all its complexity, so the principles of archives are applied to that same society, as its records evolve, and in all the complexity of those records. As the constant ebb and flow of social relationships prevents the principles of law from becoming a list of rigid rules, so too the changing recordkeeping practices reflecting the ebb and flow of social change prevent basic archival principles from becoming easily applied rules.

As a result, the practical application of legal principles and the practical application of archival principles reveal some similarities. In a court of law, legal principles are applied as necessary on a case basis. The facts of each legal question raise specific legal issues which then must be settled on the basis of the facts, a familiarity with the relevant principle, and a sense of relevant precedents. A decision might mirror the precedent, or the facts might be such as to overturn the precedent. Similarly, the archivist is called upon to render judgments on specific collections or in specific administrative situations. Often the facts of each situation are similar to facts of situations previously encountered, necessitating only an application of principles based on precedent. Often too, however, the facts of a specific situation, whether it be a sorting question, an appraisal problem, or a question of access, really bear no likeness to those previously encountered. And I would argue that the bulk and complexity of contemporary records and papers provide countless new situations for the archivist. In cases where no reliable precedent can be found relevant, the archivist must then render a new and precedent-setting judgment for a course of action. If we regard ourselves as a corps of professionals, then such judgments should be well-reasoned and based on a familiarity with the nature of archival principles as they have been applied through time. In other words, the archivist in the conduct of professional matters both routine and unusual must have the training and capacity to think archivally.

If the nature of the fields of law and archives bear similarity, and if the practical application of the subjects are similar, then it seems logical to suggest that preparation for the two fields might be similar as well. In law, the object of training by the case method is to equip young lawyers with the ability to reason the applicability of legal principles in specific cases or situations. The case method provides a practice forum in which the student can encounter specific problems and applications and thus see firsthand how legal reasoning is applied in specific instances. Education and training should not therefore be abstract and removed from the day to day activities of the law, but should be conducted through the "original sources of the law." As Langdell said on one occasion, "Education is not stuffing or cramming, but drawing out the mind."<sup>12</sup> In order

<sup>12</sup> *Ninth Report of the Harvard Law School Association* (Cambridge, 1895), p. 79.

to prepare archivists to face the world of contemporary records and modern archival repositories, I would suggest that the methods of education and training should provide students with case material not from one specific institution but from many institutions. So equipped, a student can more readily see the diversity of practice among our institutions, and can reason, through the variety of applications extant among archival institutions, to a relatively few fundamental principles. Most important, such an approach, by de-emphasizing texts or the "how we do it here" approach, will assist in developing analytical abilities necessary in dealing with practical archival decisions. Moreover, such an approach will set firmly in young minds the basic fact that the administration of archives is an activity governed not by easily stated rules or dogma, but by decisions based on reasoned interpretation of principles. In recalling the memory of C. C. Langdell, Sir Frederic Pollock capsulized the essence of the case method: "Decisions are made, principles live and grow. One hundred others can give us rules, he gives us the method and the power that can test the reason of Rules."<sup>13</sup>

The logistics of adopting the case method as standard training in the law was a comparatively easy matter. For centuries, reported cases had been accumulated from which significant decisions could be drawn. In archives we have no similar literature upon which to draw, but that should not be a deterrent. In the 1920s, as schools of business administration discussed appropriate curricula for professional training of businessmen, the case method was debated. One of the chief arguments against its adoption was the lack of good case materials. Also, it was argued that it was "impossible that business discussions of business problems should possess an authority comparable to the opinion of the court or that the decision arrived at with reference to a business problem should have weight comparable to the decisions of a court."<sup>14</sup> Yet the case method impressed many business educators, and in the 1930s and 1940s it was adopted in the course offerings of a number of business schools. It was developed further at the Harvard Business School where a systematic effort was made to accumulate case materials. At first the thrust of the case method in business schools was historical. Norman S. B. Gras and Henrietta Larsen compiled their *Casebook in American Business History* in which they sought to provide students with a laboratory of business experience drawn from centuries of business practice.<sup>15</sup> With this material students could analyze decisions and discuss situations. This historical approach, though popular in the 1930s and 1940s, was abandoned for a situations approach which stressed "real life" situations.<sup>16</sup> Rather than a reasoned decision, the business approach emphasized the facts of a case as posing a problem waiting for a solution in response. The case was to be a pedagogical tool to prepare business students to make decisions. Unlike the case approach to training in the law, which stressed the need for legal reasoning based on fundamental principle, the business case stressed the need for quick decision, decision under pressure, and decision based on the fact of the matter. The case approach has become, in some schools, a very popular method of training business students. However, it has not been universally adopted. I cite it at this time to point out that the

<sup>13</sup> *Ibid.*, p. 17.

<sup>14</sup> Wallace B. Donham, "Business Teaching by the Case System," *American Economic Review*, vol. 12, 1922, pp. 53–65.

<sup>15</sup> Norman S. B. Gras and Henrietta Larsen, *Casebook in American Business History* (New York, 1939).

<sup>16</sup> Paul R. Lawrence, "The Preparation of Case Material," in Kenneth R. Andrews, ed., *The Case Method of Teaching Human Relations and Administration*, (Cambridge, 1953), p. 216.

method can be developed even when no substantial amount of published case material exists. Case material was gathered specifically for use in the classrooms of business schools, with much of it in loose-leaf form at first. However, publications such as R. M. Hower and J. D. Glover's in 1949, *The Administrator: Cases on Human Relations in Business*, have established models for casebooks in business which emphasize the realities of the business environment. Many business casebooks have appeared on business problems since that time.<sup>17</sup> The concept also has been tried in the field of library science, another discipline with no tradition of case reporting.

In the light of developments in legal and business professional education and training it seems to me that serious consideration of the case method could serve the archival profession in two significant ways. First, based on the experience of other professions, the method has proved an excellent pedagogical tool for training. The method encourages systematic reasoning and analysis by students in working through specific case situations or in evaluating specific decisions reported. If series of cases representative of key archival problems could be accumulated, then students could witness not only what the archivist does, but, more important, how the archivist thinks about what he or she does and for what reasons the archivist makes the decisions he or she does. In effect, the method can develop the ability to think through archival problems in a systematic and intelligent manner. This kind of background will serve well those who must make decisions in the increasingly complex task of administering modern manuscript collections and archives.

Secondly, development of the case method can, I believe, be of service to the profession as a whole. Systematic reporting of unusual or innovative decisions made in specific cases in archival practice would form the raw material from which cases for study could be drawn. These cases could be briefly stated, describing the facts of a situation or the details of a specific collection, decisions made and the reasons why a specific decision was made. This kind of reporting would be most useful, I think, in the areas of access, appraisal, arrangement, description, and conservation. There are no simple rules in these areas, only principles to be applied in specific situations. The application of these principles requires ingenuity and creativity. Collected reported cases in these areas would provide both students *and* professionals with creative insights into the decision-making process at archival institutions other than their own. A year ago we at the Bentley Library reported a sampling decision which arose from work with a very large collection of lumber records.<sup>18</sup> The decision was by no means to be considered *the* solution for large business collections, but rather *a* solution based on one particular line of reasoning. The case raised many more issues than our sampling solution was able to solve easily. Case reporting along these lines is a brief, simple, and efficient way for institutions to communicate with one another just exactly how they are coping with modern archival problems; not just what is being done, but for what reasons decisions are reached.

The structure of a casebook as a teaching tool should be limited in scope and centered on three or four particularly gray areas of archival practice, such as ap-

<sup>17</sup> J. D. Glover and R. M. Hower, *The Administrator: Cases on Human Relations in Business* (Chicago, 1949).

<sup>18</sup> Larry Steck and Francis Blouin, "Hannah Lay & Co.: Sampling the Records of a Century of Lumbering in Michigan," *American Archivist* 39 (January 1976): 15-20.

praisal, access, and processing. The complex area of conservation might warrant a separate volume. Case format should be uniform, emphasizing four areas: (1) a brief description of the institution involved, with care taken to preserve confidentiality when the nature of the case requires it (e.g., a state archival facility, total holdings 5000 feet, staff 7 F.T.E.); (2) a statement of the facts relevant to the specific problem or issue of the case (e.g., a description of a collection as received); (3) a statement of the solution arrived at; and, most important, (4) the argument behind the decision.

The most challenging task of casebook preparation is that of selection. The ideal selections would be representative of the variety of issues and of institutional practice relating to a specific theme. A casebook can never suggest all possible issues or situations, but it can, through judicious selection, present significant issues, problems, and ideas with which a student can interact. A casebook is not a text but rather a teaching tool providing raw material for the student to use in sharpening analytical abilities and learning to think in a systematic way about evolving principles.

Since issues are constantly debated and practice varies widely, the case materials should be updated and supplemented frequently. If practicing archivists could occasionally submit case studies and analyses to archival journals, then courses of instruction based on the method would be continually nourished with new and updated perspectives on archival problems. Moreover, a continuous generation of case material would prevent the casebook from becoming a rigid or standard set of cases or a set model for archival practice.

As the profession moves toward standardization of curricula for professional education and training, *serious consideration should be given to method as well as to content.* Many professions, in the course of development, have debated these issues. The debate should not be in vain, for the purpose is to be certain that in the process of educating aspiring archivists we equip them to confront intelligently the complexities of modern archives administration. This means, I think, that we as archival educators should not only train people to do what we do, but, more important, to educate students to think and reason archivally.

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