Why Should YOU Publish Your Best Teaching Ideas?

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n conversation, I find that most faculty have discovered innovative ways of teaching particularly difficult or important parts of their courses. Collectively, this knowledge is an immense, largely untapped resource for powerful improvements in teaching. Here I will describe two examples of shared wisdom of practice that have been especially helpful to me and then examine some of their implications.

The Shared Wisdom of Practice

Sanford Levinson’s “On Interpretation: The Adultery Clause of the Ten Commandments” (1985, Southern California Law Review 58:719-725) describes a law school exercise. Levinson sets up the following scenario:

A foundation offers $10,000 to anyone who pledges on their 18th birthday to obey the Ten Commandments and then successfully does so for 15 years.

It is now 15 years since the first group signed pledges and your job is to decide who in that group is entitled to the money. Levinson presents five claimants, stipulating that each has complied with all of the commandments except, perhaps, the one on adultery. These include a married male who consulted Old Testament scholars and discovered that under biblical and later Jewish law, extramarital intercourse by a married man was not automatically adultery. Rather, adultery consisted in the violation of a husband’s exclusive right to his wife who, as the husband’s possession, had no such right to him. This claimant has had sexual relations with several women since he was married but has made sure that they were each unmarried. He thus claims to have complied fully with the adultery clause. Other claimants include the wife of the first (whose extramarital sex was with her husband’s prior approval—she argues that the essence of adultery is deception), a bigamist (faithful to his wives, who notes that bigamy was clearly acceptable under classical Jewish law), a Christian who has h:usted deeply after women other than his wife but has not consummated any relationships, and a Catholic who has only husted after his wife (Levinson provides the statement by Pope John Paul II that “adultery in your heart” is committed whenever a man looks lustfully, i.e., “with concupiscence,” at a woman, whether or not she is his wife). Once the scenario is set, questions follow. Fundamentally, should any or all of the claimants succeed? Is it your duty to decide the single best interpretation and judge all claims accordingly? If so, on what grounds?

If not you, who? Or is it possible that a variety of good faith interpretations ought to be honored? If so, which ones and why? And if you reject a claim and are sued, on what grounds should your actions be judged?

Probing Cases — Critical Thinking

A key problem in fostering critical thinking is getting students to understand the difference between taking meaning as indisputably evident in the text and seeing meaning as result of justified interpretation. Levinson’s concrete, well-developed example is very helpful. With juniors and seniors, just setting up the first claimant often suffices. In a freshman seminar, I find it helpful to work through much of the example. Many students arrive at college blissfully ignorant of academic interpretive conventions. They are quite surprised to find that they themselves are inclined to reject an interpretation of the adultery commandment based on its original meaning.

A central part of Jane Harris Aiken’s “Striving to Teach ‘Justice, Fairness And Morality’” (1997, Clinical Law Review 4:1-64) compares the reactions of law students providing supervised clinical legal assistance to poor clients (in her clinic, predominantly women of color) with those providing similar assistance to people with HIV (who in her clinic were gay and predominantly white, educated, and, often, professionals who recently had been relatively affluent).

Despite the students’ initial resistance to seeing themselves as racist and their relative comfort with their own homophobia, they “identified more easily with the HIV clients than with the poor clients of color because the students shared certain characteristics with the HIV clients, namely class, race, education and age,” that made it harder to stick with stereotypes.

Further, the HIV clients were acutely and quite articulately aware of their recent loss of privilege and took an active part in seeking legal remedies. Students working with them often came to “understand how the law, which they had previously viewed as neutral, reinforced the oppression” and often developed a strong sense of the injustice involved.

Aiken suggests that identification with the client is the core of the disorienting incidents and that such service learning can be made more effective by including some clients who are relatively similar to the students. We also can maximize chances for students to “glimpse the client’s reality.” Students should do interviews in
the clients’ homes (rather than having clients come to the clinic offices); “wait in lines with them; attend meetings with caseworkers, doctors or court personnel; and, of course, attend appearances in court and administrative hearings.”

Knowledge Ain’t Neutral

Overall, Aiken is asking how one helps law students to understand the way social difference and privilege are built into the structure of the law and to take responsibility for the social consequences of their actions as lawyers. Aiken helps us consider how to apply her findings to other courses in several ways. She reflects on what made some experiences more transformative than others and on what she might have done differently. She suggests that one general goal is to “teach our students the ability to deconstruct power, to identify privilege, and to take responsibility for the ways in which law [or our own discipline] confers dominance” and to learn to “see how our own privilege is paid off through others’ pain.” She notes that “every time we reinforce the idea that the law [insert your own field here] is neutral, we reinforce hierarchy and domination.” She discusses how she attempts to achieve transformation in a lecture course, providing another key example from her practice, City of Memphis v. Greene, in enough detail to allow others to use it in a variety of courses. And she frames her pedagogical reflections with a well-developed introduction to ways in which social conventions, especially the law, confer privilege on some but not on others (her first 22 pages are a quite useful primer) and with a discussion of Mezirow’s learning theory (Jack Mezirow, 1991, Transformative Dimensions of Adult Learning, Jossey-Bass).

These are issues that apply to all disciplines and to each of our majors as we strive to teach in ways that promote equity and produce higher order critical thinking, professional ethics and individual responsibility. I have found Aiken’s paper quite useful for rethinking the ways in which the courses I teach unintentionally promote existing systems of privilege and disadvantage and the ways in which I strive to get students to adopt more mature modes of critical and ethical thinking.

Cross-Disciplinary Discoveries

One might wonder how a biologist happens to have found two pedagogical papers taken from law journals. I was handed Levinson’s paper several years ago by a political scientist on another campus who used it in an undergraduate constitutional law course. (I am sorry, I didn’t save your name—but many thanks!) Jane Aiken and I were assigned to the same working group in the Carnegie Scholars program where we discovered deep similarities in our teaching objectives. Thus, both of these powerful tools have come to me serendipitously through contacts with faculty in other fields and institutions. The same applies to most of the dozen or so papers and books that have been most influential in my thinking about teaching.

Thence, two morals. First, wisdom of practice that is kept private and not shared cannot influence others’ classes. Such a waste! One of the highest priorities for rapidly improving our collective effectiveness in fostering deeper and more lasting learning must be creating ways to share more easily and effectively our hard-earned insights. Second, at least in my case, individuals in other areas have been more likely to provide disorienting or transformative examples than have other biologists.

Similarly, conversations among our group of Carnegie Scholars commonly stressed substantial surprise that, although the group had been systematically selected to include several scholars within each represented discipline, many of the most fruitful exchanges had been among individuals of quite disparate disciplines. Thus, the problem of communication is much broader than just sharing examples of practice with disciplinary colleagues. We need to find ways of more systematically conversing about pedagogy across disciplines and institutions. Good starts in this direction are provided by very recent developments, including the Carnegie Foundation’s Knowledge Media Lab project (http://kml.carnegiefoundation.org/), the electronic Journal of the Scholarship of Teaching and Learning (http://www.iub.edu/~josotl/), the Peer-Reviewed Course Portfolios project (http://www.unl.edu/peerrev/), and especially, by the AAHE CASTL Campus Program WebCenter where YOU could post your three favorite examples of wisdom of practice (http://aahe.ital.utexas.edu/). Or perhaps submit a manuscript to this publication—The National Teaching and Learning Forum?

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