lief. By contrasting, we give students reference points for learning, analysing, and remembering. To use contrastive techniques, we do not need to know everything about other disciplines and legal cultures — students will provide the comparisons — but we can incorporate references regularly.

We can define the U.S. legal discourse community, its paradigms and register. We can also suggest guidelines for what students may expect to find as they read cases and statutes. We can also promote critical reading by annotating some of the cases to identify features of the discourse, such as using the hierarchy of primary and secondary authority, using primary before persuasive authority, using analytical paradigms that match traditions and doctrines, identifying the relative weight of authority, placing terms of art in positions of emphasis, and using citations in text. In addition, we can identify faulty reasoning by using terms that relate those faults to specific analytical paradigms and to students' cultural expectations.

By seeing the U.S. legal culture as a specific discourse community into which students enter, we can use contrastive approaches to enliven class discussion. Every law course can, in part, become a comparative law course. U.S. students will become more sensitive to international issues and probably more agile in understanding the U.S. legal system. International students will acculturate more quickly into the U.S. legal community and see more clearly the comparisons with their own.

Using contrastive approaches requires some thought about other legal cultures, some research into the students themselves, some more attention to detail, and some new points of view. But we may get better results, and sooner: better class discussions, better written responses to exam questions, and a clearer understanding of the differences among legal cultures. Such contrastive approaches may be, after all, our most 'logical' choice.

TEACHERS

Teaching from the margins: race as a pedagogical sub-text
R L Robinson
19 *Western New England L Rev*, 1997, pp 151–181

White male professors and students become neutralising, silencing, and powerful forces in the life of minority law professors. By racialising any pedagogical approach, these professors and students implicitly decide at least three things: first, that white colleagues do not infuse their teaching with a racial perspective; secondly, that if I speak with a racialised voice, then I am a mediocre teacher and the students will not pass the bar; and thirdly, because of my race, I cannot become a pedagogical force in a majority white legal educational institution.

Even if minority law professors teach well, in the eyes of their white students they can only be entitled to average student evaluations. As such, these complementary forces place us in institutionally marginalised and pedagogically silenced positions. First, most white students by and large reject minority law professors as purveyors of any legal knowledge, especially if our teaching deviates from standard institutional fare. Secondly, most white law professors generally fear that we will disturb their male (on rare occasions female) prerogatives by proffering a persuasive counter-hegemonic pedagogy.

As a 'black' person, I must take students beyond a well-worn story, perhaps a fairytale with all white characters, so that they can see the kaleidoscope of human colours — blacks, browns, reds, whites and yellows — and so that they can hear how, in America, whites unfortunately use 'colour' as a proxy for race to determine if people and their voices' accents have worth.

Can I explain to my students, colleagues, or deans that my lived life reeks of an oft-told story of my racial (and thus personal) irrelevance to America's core feature — a white cultural matrix? In truth, I face difficulty whenever I subversively challenge my students' culturally blinded racism, and although I fool myself temporarily into believing otherwise, my words, rhythm, and voice alert my students, as I enter the class for the first time, that I am only a black man. My race thus precedes me as I enter my classroom; now they can, in their minds, justifiably doubt me.

My students demand only rules, and my colleagues require sworn allegiance to a 'high school' pedagogy that justifies their institutional standing and personal privileges. I am told emphatically to teach like all others. Give them the black letter law (I think a touch of irony); they, after all, cannot handle a challenging pedagogy and must feel that they can pass the bar. I reject both calls. Because each of us accepts a range of social norms as true, we have, regardless of race, common experience. However, as individuals, we experience a host of events differently. This difference will affect the manner in which we teach. Then I cannot teach like my white colleagues because I am not like them. Despite this obvious existential point, I do get the picture: teach without a (racial?) perspective.

Basically, I was invited to join the faculty because I had 'black' skin and I could stay as long as I taught in a 'white' face. Within one year after I entered legal academe, I am all too painfully aware that race — black and white — operates as sub-text, no matter how I teach. I have learned that effective law teaching locates itself in a high conspiracy of excellence and commitment. Good law teachers are intellectually challenging and aggressively involved with students. Excellence, commit-

ment, challenge, and aggression serve as key ingredients, which originate with a law school's faculty. And these ingredients alchemically change students and teachers alike. Cynically, as long as deans and law faculty play a role in defining what excellence, commitment, challenge and aggression mean, all law schools will have good law teachers, especially if their definition does not disturb the dominant institutional narrative.

However, good law teaching is a narrative, a story, that reflects a certain perspective, usually an institutional one driven by a host of well-formed cultural norms, and it continues to reject black law professors — the questionable intellectual. As such, I understand these ingredients (e.g. excellence, commitment, challenge and aggression) in this narrative context. They are text and subtext. At the level of text, everyone can be good law teachers and, in this vein, law schools actively recruit minorities and women for this role. At the level of subtext, minorities and women are not expected by white males (deans and professors) to succeed in the classroom. If a minority succeeds in the classroom, especially in a majority white institution, she must leave most of her lived experiences in her diary, in her close personal friend's ears or in her law review article's 'fictional' personal narratives. If a minority fails in the classroom, he must have violated an institutional norm, some totem to which most of the white males pray and upon which most white law students depend to gauge their performance in law school. In either case, success or failure depends on whether the minority law professor locates herself inside or outside of the institution's narrative.

This narrative does not empower, but restricts one's pedagogy and, in so doing, it usually shelters white male law professors from the reality that they violently, institutionally and continuously marginalise minority law professors. Without institutional power and naming rights, this narrative reifies a cultural norm that denies that minority law professors can succeed in the classroom on their own terms and rejects the black intellectual as a co-equal partner in the legal academic enterprise.

TEACHING METHODS & MEDIA

Innovative teaching methods and practical uses of literature in legal education
K Mika
18 *Whittier L Rev* 4, 1997, pp 815–822

The complaint most attorneys have about students graduating from law school is that they cannot write. Fixing the problem is more complicated than merely improving law school curriculum or becoming a better teacher. This is especially true because law school, generally, does not provide activities which instill a zeal for the written word.

Because a breadth of reading enhances one's ability to think and write, throughout the years the author has tried to encourage extra-curricular and diversified reading to be done in conjunction with her Legal Writing class. Unfortunately, yet understandably, law students generally only do the required work, but not more. As a consequence, she has discovered that the 'readers' in her classes continue to read while the 'non-readers' never take the opportunity to discover what advantage there might be in taking her advice. Because no change has occurred in students' overall attitudes, she decided to make life more interesting by integrating literature into the first year Legal Writing curriculum.

The final project of the first year Legal Writing course is the appellate advocacy experience. Traditionally, this consists of pleadings and opinion from a Moot Court casebook assigned for the purpose researching legal issues, writing a brief and preparing an oral argument. The author decided, however, that she would shift from the stock format and begin assigning a novel to be used as the basis for the problem. The novel chosen for the experiment was *Lolita*, by Vladimir Nabokov.

Using the book as the fact situation and assuming that the main character, Humbert Humbert, had been convicted for first degree pre-meditated murder, her assignment of error was the following: 'whether the trial court judge erred in refusing to allow the jury to be instructed on the lesser offense of voluntary manslaughter when the judge determined that the initial provocation was the time of Dolores' disappearance, that no subsequent provocation existed, and that the time between the initial provocation and the murder was too lengthy to warrant a manslaughter instruction.'

As additional information, she included excerpts of statements made by the judge justifying his failure to giving a manslaughter instruction, such as, 'even if there was sufficient provocation the cooling time was too lengthy.' The students would take sides, do the research, prepare a brief and an oral argument — all the traditional elements of the appellate advocacy experience.

I had multiple goals in doing this project. First, I wanted my students to become educated and 'broadminded' without knowing it. *Lolita* is not a lengthy book, but it is difficult. The sentences are complex and the vocabulary advanced. It was a book the students would not be able to master without working hard. Additionally, with respect to learning a legal skill, it provided the students with the full scope of the client's story. In order to complete the assignment with any degree of success, the student had to use all the skills of good representation. The student had to prioritise information and understand the psychology of the characters to create plausible arguments and defenses. The student had to mas-