

Dersh Says He'll Use Dildo for Civil Disobedience

Continued from *SEX*, p. 1

year after Mary Jo Frug was brutally murdered in a Cambridge parking lot.

"Harvard Law School is the last place I expected to see a speech code," Silverglate said. "The spectre of the Frug crisis loomed over the drafting committee and the guidelines they produced."

The parody of Frug's article was written in an overtly misogynist tone and contained repeated crass references to her murder. The parody also included substantive criticisms of Frug's article and berated the Review for publishing it in the first place.

Prof. David Kennedy '80 filed Administrative Board charges against the parody authors and the Review's editorial staff. But the Board refused to discipline the students on the grounds that the governing statement of rights and responsibilities (which had been adopted in response to the anti-war demonstrations of the 1960s) did not provide any rules or standards that applied to their behavior.

Silverglate, who referred to himself as "a free-speech absolutist," criticized the Ad Board decision. He said that it should have denounced the attempt to curb students' rights of free expression, rather than give an invitation for the school to create rules to fit the perceived violation. The faculty and administration ultimately accepted this invitation.

A previous attempt to formulate sexual harassment guidelines began in 1990 with a committee chaired by Prof. Kathleen Sullivan '81. The faculty voted down the committee's draft guidelines in December 1992, and a new committee was appointed consisting of Profs. Elizabeth Bartholet '65, Alan Dershowitz, Richard Fallon and Joseph Singer '81.

The faculty's objections to the first proposed policy were never made public, but a RECORD story reported that a number of professors expressed concern that the proposed guidelines were too broad and would chill speech.

Keep Your Enemies Closer

Although distribution of the Revue was limited to members of the Law Review and a few others, copies of the Frug parody were soon leaked out to the community at-large.

The student authors soon found themselves on the receiving end of a massive outpouring of fury. Posters were put up around campus with their photos and the name of the judges with whom they would be clerking, urging students to contact the judges regarding the affair. One of the

authors reported that his mother received several threatening phone calls.

Allegations of impropriety swept through the ranks of the Law Review. The Review's president at the time, Emily Schulman '93, was publicly vilified as harboring racist and sexist sentiments herself. She barely survived a vote of no-confidence by the Review editorial staff, and Dean Clark '72 appointed Ralph Gants '80 of the Boston firm Palmer & Dodge to investigate charges of racism, sexism and abuse of power against Schulman.

In February 1993, Gants wrote a 109 page report concluding that Schulman had committed errors of judgment but found that she did not have discriminatory motives behind her conduct.

Student mailboxes were bombarded with declarations and open letters from students and faculty on both sides of the field, arguing whether the offending students should face some type of institutional punishment.

The story brought national media attention to Harvard, and the argument over punishment and the need for a speech code spilled onto the op-ed pages of *The Wall Street Journal* and *The Los Angeles Times*.

Buying Peace

Silverglate accused Clark of failing to stand up for principles of academic freedom and bowing to pressure to do the politically correct thing.

"At first the Dean came out bashing the article's insensitivity, but he addressed the free speech issue by saying that an academic institution should place paramount value on academic speech and that community members should be persuaded, not coerced to be more civil," said Silverglate. "But the mob wasn't satisfied, and Clark eventually abandoned his defense of free speech."

In a telling letter to Silverglate, reproduced in "The Shadow University," Clark wrote, "Your sentiments have been echoed in the faculty chambers along with many others. This discussion is a sign of the times, as is the need perceived among students that we have to discuss this or be seen as uncaring of their concerns."

Speaking in a RECORD interview, Silverglate said that had Clark stood up for free speech, the Guidelines would have never been passed.

"If he had simply said, 'I inherited a free institution and I will leave you with one,' he would have prevailed," Silverglate said. He attributes Clark's withdrawal to his administrative instincts and desire to keep the peace at the Law School, par-

ticularly in light of the upcoming capital campaign.

Chill Dersh's Speech? Ha!

Dershowitz, who helped draft the current Guidelines, spoke out in their defense at the Forum event.

"Before there was a policy, the Dean had the power to discipline students," he said. "I wanted firm standards that would cabin this discretion."

Silverglate claims that the Dean put Dershowitz, an opponent of both the first draft guidelines and the move to discipline the Revue parodists, on the committee in order to co-opt him into the effort.

Dershowitz took credit for including a savings clause in the Guidelines, which exempts speech and conduct from coverage "if it is reasonably designed or intended to contribute to legal or public education, academic inquiry, or reasoned debate on issues of public concern or is protected by the Massachusetts Civil Rights Act or the First Amendment."

"The savings clause eliminates 99 percent of the cases of alleged sexual harassment that Harvey wrote about in his book," said Dershowitz.

Silverglate responded by claiming that the fact that the Guidelines exist has a chilling effect on speech.

"Harvey, do you think I've been chilled?" asked Dershowitz.

"Alan, they wouldn't prosecute you under any code," responded Silverglate.

Dershowitz then challenged Harvard University to prosecute him under the University Guidelines, which are much broader than the Law School's.

"I'm going to continue telling dirty jokes," Dershowitz said. "If you don't like it, fire me."

"I have no inhibitions about bringing a dildo to class — if I can find one — to prove a point," he said, referring to the law recently passed by the Alabama state legislature forbidding sexual aids.

According to Dershowitz, dirty jokes and bringing a dildo to class would probably violate the University Guidelines. He said that he intended to violate the University Code, and encouraged other faculty members to do the same.

Whither Harassers?

One student asked Silverglate how a professor who repeatedly made sexualizing comments about a female student would be dealt with in the absence of a code.

"The teacher could be fired because there is no communicative value to the repeated comments," he responded.

Dershowitz recalled a story from a few years back where male students sitting in the back of a large class repeatedly made comments about a female student when she came into the classroom, to the point where she stopped coming to class.

Silverglate suggested that rather than punish them through a code, students could rally together and boycott the class, picket the students' rooms, or put up posters detailing the conduct. "These are all protected activities," he said.

"Official power is different than the power of peers," Silverglate said. "I'm concerned about the administration's ability to threaten to remove students from school for their speech."

Hypocritical? Moi?

Silverglate said that his opposition to speech codes stems not only from "First Amendment absolutism" but also from concern that they violate the principle of equal protection.

"These codes only outlaw offensive speech if it bothers women, blacks, Hispanics, gays or any other group that gets admitted to the list," he said. "Obnoxious views that bother anyone else are not prosecutable."

He criticized setting standards for prosecutability based on blood and genes.

"The history of the fight for equality and decency since the Civil War has been the fight for equality under the law for everyone regardless of blood and genes," he said. "Giving people different status based on their characteristics was prevalent under Jim Crow and the days before woman's suffrage."

According to Silverglate, the Left is leading the charge against the principle of equal protection.

"The social consensus that people should be treated equally under the law is being undermined by those who pass codes purporting to protect the categories listed in the codes," he said. "Those who are not protected will end up getting resentful and cynical, and their devotion to equality under the law will be diminished. This is corrosive. It undermines 150 years of progress for making a more decent society."

Silverglate recognizes that equality under the law did not translate into equality in fact, but challenges the use of speech restrictions to bring about that equality.

"We haven't arrived where we need to in terms of equality because we have utterly failed to educate young, poor children," he said. "Harvard faculty members can do more to promote equality by sending their own kids to public schools."

Harvard Faculty to Decide Whether to Automatically Readmit Convicted Rapist

By RECORD Staff

The Harvard College faculty will vote Tuesday on whether to re-admit a man who has confessed to and was convicted of the rape of a fellow student, according to RECORD sources.

Sources confirm that five university faculty members — Bill Paul, Margo Seltzer, Dan Gilbert, Louise Richardson and Richard Thomas — are planning to ask their colleagues to vote that Joshua M. Elster, a member of the College class of 2000 who has been convicted of rape both in criminal court and in a College Administrative Board proceeding, be automatically readmitted upon serving his five year probation sentence.

The Administrative Board, which will be represented by College Dean Harry Lewis at Tuesday's meeting, will recommend that Elster be allowed to apply for admission once his five years have run, but that he will not gain automatic admission to the College. Lewis is not a

member of the Ad Board, nor has he attended any of the Board's hearings regarding the Elster affair.

RECORD sources are not aware of any plans to recommend permanent expulsion for the rapist.

The College expels students for academic misconduct but not for criminal misconduct. It generally allows "violent" crimes to be dealt with solely by a crimi-

nal court, but it does not consider rape to be a "violent" crime, sources said.

Thus, a student could be expelled for cheating on an exam, but a student convicted of rape would not face the same punishment.

The vote is expected to be held Tuesday evening at a location which will not be disclosed to the public.

The five professors and College Dean Harry Lewis may be contacted at:

Dan Gilbert
<dtg@wjh@harvard.edu>

Dean Harry Lewis:
<lewis@harvard.edu>

Bill Paul:
<paul@deas.harvard.edu>

Margo Seltzer:
<margo@eecs.harvard.edu>

Louise Richardson
<louise_richardson@harvard.edu>

Richard Thomas
<rthomas@fas.harvard.edu>



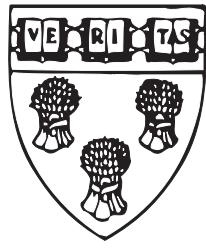
Recycle

the

RECORD

Harvard Law RECORD

PUBLISHER
Seth Persily



EDITOR-IN-CHIEF
Ben Lehrer

F O U N D E D I N 1 9 4 6

A Case Against the Sexual Harassment Guidelines

I am not a free speech fundamentalist. Nor do I identify with those that consider themselves tyrannized by the forces of political correctness (though I am a white male). Nonetheless, I think that Harvard Law School does not need to have sexual harassment guidelines.

I'm not going to rehash the free-speech critique, which has been rendered much more eloquently and convincingly by others before me. Indeed, I support the *raison d'être* of the Guidelines. The sexualization of women and psychological and physical intimidation of gays and lesbians are pervasive and troubling phenomena, even in relatively enlightened communities such as our own.

Rather, I don't like the Guidelines because they provide the wrong solution to the problems of sexualization and harassment. Violators face being haled into Byzantine Ad Board proceedings, the results of which could place their academic and professional futures in jeopardy. The goal is not to make the perpetrators understand what they did wrong and why it was wrong, but to punish them. I'm even cynical enough to suspect that an ancillary goal is to ensure that the conduct is kept behind closed doors so as to avoid generating the kind of controversy that landed HLS in the newspapers earlier this decade.

But administrative terrorism has no educational value whatsoever, and should be viewed as highly suspect at an academic institution. By abdicating responsibility for educating those who need it most to the Administrative Board, the Law School community has endorsed the shoddiest kind of pedagogy — that which accomplishes its goals by spankings and forcing people to write slogans on a chalkboard.

If a person or group of persons is creating a hostile environment, they and not the Ad Board should be the first ones informed about this. They should be engaged in a dialogue and educated about why their actions were hurtful. Maybe I'm crazy, naïve, or just plain stupid, but I honestly believe that the best way to engender civility is to treat people with respect.

Confronting one's harasser can be difficult and traumatizing, particularly if the harassment reopens old wounds. In such a case, it is tempting to try and deal with the problem anonymously through third parties. But the Ad Board is the enforcement arm of a \$12 billion corporation, and its interests may not coincide with those of the students. The Office of Student Life Counseling would be a much better bet to provide support to a victimized student. Or a person could turn to friends, faculty, peer groups and student organizations. I find it difficult to believe that the problem couldn't be resolved without the administration's sword of approval.

To me, the Guidelines are just one more link in the administrative chains that hold down personal initiative. I think that students and faculty should be trusted with the responsibility of ensuring, through their own action, an open and friendly academic environment for all. If the Law School's goal is truly to educate, it will encourage everyone to discuss and understand the underlying purposes of the Sexual Harassment Guidelines, instead of putting them in our Hark Boxes (from where they make the short trip to the bins) and requiring blind obedience.

— Ben Lehrer

Staff

MANAGING EDITOR Suzanne Carter	PRODUCTION MANAGER Kimberley Isbell	BUSINESS MANAGER Chih T. Cheung
ENTERTAINMENT EDITOR Dusan Stojkovic	PRODUCTION ASSISTANT Tanya Marsh	OFFICE MANAGER Lesley Stone
STAFF COLUMNISTS Alexander Boldizar Jake Zimmerman	COLUMNISTS Liz Falk Darren Schlanger Josh Swartz	ASSOCIATE EDITORS Francesco Barbera Klaus Hamm Justin Herdman Steve Scali
WIRE EDITOR Iris Chen	STAFF WRITER Dmitri Evseev	CARTOONIST Margie McWilliams
EDITOR EMERITA Janie J. Kim	CONTRIBUTORS Nathan Drake Doug Sims	COPY EDITOR Elizabeth Read

Editorial/Letters Policy

Main office — Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138-9984
Telephone: (617) 495-4418 • Fax (617) 495-8457 • E-mail: RECORD@law.harvard.edu

The Harvard Law RECORD (ISSN 0017-8101) is a publication of the Harvard Law RECORD Corporation, a non-profit, independent, student-owned and run corporation of the Commonwealth of Massachusetts. The RECORD is published weekly on Fridays throughout the academic year and is distributed free of charge to Harvard Law School students and at a minimal charge to Harvard Law School alumni. Copy and photo deadlines are 5:00 p.m. on the Monday preceding publication. Advertising deadlines are 5:00 p.m. on the Tuesday preceding publication.

Submissions may be sent to The RECORD at the above noted address, dropped in the RECORD box located in Harkness Commons, or left in the 3L Hark box of Ben Lehrer. All copy must be typed, double-spaced, and submitted on paper and on a computer disk or by e-mail. The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters and submissions for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$45.00/year mailed; \$50.00/year mailed outside the U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues. Second-class periodical paid at Boston, MA and additional mailing offices.

© 1999 by the Harvard Law RECORD Corporation and by the contributors.

The RECORD is committed to equality and diversity. We strive to provide a forum for the free exchange of ideas. As a result, the opinions reflected in articles, editorials, and cartoons are those of the authors and do not necessarily reflect the opinions of the RECORD.

“Congress shall make no law...abridging the freedom of speech, or of the press;...”

—First Amendment, U.S. Constitution

• Letters •

Dersh to Buck: Read My Books

Stuart Buck falsely accuses me of anti-Christianity because of my attack on fundamentalists who seek to impose their theocratic beliefs on others. I am equally appalled at Jewish fundamentalists, Muslim fundamentalists and others who refuse to think for themselves and refuse to allow the rest of us to think for ourselves.

Buck displays his ignorance when he describes fundamentalism as “a set of Christian beliefs.” Fundamentalism is not any more Christian than it is Jewish or Muslim. It reflects the views of a tiny percentage of unthinking members of each faith, and of some with no faith, who refuse to think for themselves. I do believe it is evil to advocate the stoning of gays, the mistreatment of women and other forms of bigotry justified by recourse to a literal reading of

the Bible. I also believe that it is evil to blow up abortion clinics, murder abortion doctors, assassinate the Prime Minister of Israel or put out a contract on Salman Rushdie, on the basis of alleged biblical commands.

To call such evils what they are is not to engage in bigotry. I have not attacked conservative Christians or conservatives of any group. I have criticized anti-environmentalists, those who oppose a woman's right to a safe abortion, and those on the radical right, without regard to their religion. Indeed, I have been especially critical of Jewish fundamentalists, as Buck would know if he had read my book *The Vanishing American Jew*. It is Buck who engages in bigotry and mendacity by describing me as having a “hypertrophic case of sensitivity

when it comes to his own race and religion.”

He also shows his ignorance when he describes me as a “professional Clinton lackey.” Had he read my book *Sexual McCarthyism*, he would see that it is extraordinarily critical of Clinton, while making the case against his removal.

Finally, Buck seems afraid of the marketplace of ideas when he calls for the Dean to launch an investigation into, and issue a condemnation of, my exercise of free speech. The marketplace is open to Buck to respond, though I doubt that many in the Harvard community will be persuaded by his bigotry, mendacity and threats of McCarthyite investigations.

Alan M. Dershowitz
Felix Frankfurter
Professor of Law
March 1, 1999

Passing the Fundamentalist Buck

While I may be able to understand, but not agree with, the central argument of Stuart Buck's article “Dershowitz's Bigotry,” Mr. Buck has clearly displayed his own ignorance by equating fundamentalist Christianity with Orthodox Judaism. The two faiths have nearly nothing in common. I would be willing to debate this point further, but I do not believe that the awkwardness of the printed page is the appropriate forum for such a potentially sensitive topic.

Moreover, Mr. Buck's premise is incorrect. Prof. Dershowitz did not call “fundamentalist Christianity” evil, he called “fundamentalism” evil, which is fully evident from the quote that Mr. Buck chose to attack. While it may be possible to infer that Prof.

Dershowitz was referring to fundamentalist Christianity, that would be mere speculation. If any of Mr. Buck's speculative attacks be correct, Prof. Dershowitz was most likely not referring to the whole of fundamentalist Christianity as evil, but rather the movement's particular political agendas. Now, in the scope of political debate, reasonable minds might differ as to whether the political agenda of “fundamentalism” is evil. This is also not to say that I would make the same mistake of prescribing one set of political beliefs to fundamental Christianity, as everyone would agree that to do so would be the kind of sweeping generalization that is an affront to our sensibilities. It

is most likely, however, that Prof. Dershowitz was referring to what he perceives as the agenda of the “Religious Right.”

Lastly, Mr. Buck suggests Prof. Dershowitz is sensitive about his own “race and religion.” I would like to know what “race” Mr. Buck is referring to. Does he mean Prof. Dershowitz's Jewish race? There are Jews who are members of nearly every racial group. There are white, black and Asian Jews, so it is not clear to which race Mr. Buck is referring. He ought to be careful because distinguishing the Jews as a separate “race” was a central doctrine of the Nazi German regime.

Lawrence J. P. Scheer '01
Feb. 22, 1999

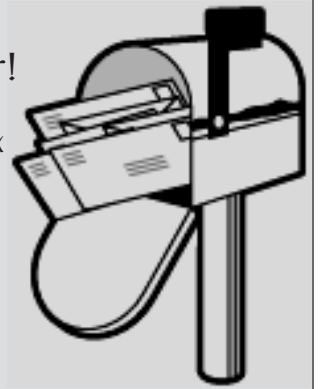
Are you mad as hell?
Are you not going
to take it anymore?

Write us a Letter!

Place them in the RECORD box
next to the IL Hark Boxes,
e-mail to record@law.harvard.edu.

Or send them to:

Harvard Law RECORD
Harvard Law School
Cambridge, MA 01238



POSTMASTER: Send address changes to Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

ALUMNI/AE ADDRESS CHANGES: Alumni/ae who receive the RECORD as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

Each alumnus/a receiving a RECORD subscription through the Harvard Law School Association should be on notice that \$5.00 of H.L.S.A. annual dues are used to purchase the RECORD subscription that he or she receives. Dues paid at any time during the H.L.S.A. fiscal year that began on July 1, 1998 and ends on June 30, 1999 purchase a subscription that begins in January 1999 and expires in December 1999.

Return Address:
Harvard Law School Association
Harvard Law School
Cambridge, MA 02138

SECOND CLASS PERIODICAL PAID AT BOSTON, MA AND ADDITIONAL OFFICES.

PERSPECTIVE

By Kris Borg-Olivier '00

A Critical Look at Terrorism

The recent arrest by the Turkish government of Kurdish rebel leader Abdullah Ocalan generated a great deal of media interest and commentary all over the world. Much of the discussion by pundits and politicians highlighted the hypocrisy of the West when talking about terrorism.

The typical media report about Ocalan's arrest made a brief mention of Turkey's brutal oppression of its Kurdish minority, but then followed this with details about the "innocent women and children" killed in Ocalan's Kurdistan Workers Party's decades-long terror campaign against the Turkish government. Reports normally concluded with a statement that while Turkey is hardly blameless, nothing can ever justify a resort to violence and the murder of innocent people.

We have become conditioned by the media into thinking that terrorists are always the worst of the worst, so conditioned that most of us seem to have lost the ability to think critically about oppressed minorities' use of violence. We paint all terrorists with the same brush, whether they are religious fundamentalists motivated by zealotry and hatred, or minority groups opposing governments who are denying them their most basic human rights. We pay lip service to values like democracy, liberty and human rights, but we condemn those who would resort to violence in their pursuit.

Arguing in defense of terrorists is no

easy task, but in my view the knee-jerk condemnation of all violent organizations simply helps to maintain a status quo in which many states, some of whom are our allies, terrorize and oppress their own people with barely a reaction from the Western media or governments.

Those who morally condemn people like Ocalan are rarely forced to argue their side, but when they do, the arguments tend to be quite unconvincing. First of all, they argue, *nothing can justify the slaughter of innocent people*. This point, while intuitively compelling, simply doesn't work. We don't have to count the innocent people who died in Dresden, Tokyo, Hiroshima and Baghdad in order to make the point that we are quite prepared to accept civilian deaths in the pursuit of some important goal. We don't talk about our war heroes killing innocent people; we talk about the bravery they demonstrate in risking their lives to fight for justice and democracy. Yet when "terrorist organizations" face the same risks in pursuit of the same goals, we vilify them.

All right, the argument goes, we can accept civilian deaths, *but only states can be allowed to resort to this sort of violence*. This argument seems circular and unfair when terrorist groups are often resorting to violence for the very reason that they are being denied statehood. How can we say that if the Kurds had their own state they could respond

to Turkish government violence in kind, but since they are denied statehood they can never take up arms against the Turks?

Finally, people argue, if we grant that one group can use violence in pursuit of its goals, *where do we draw the line* on other similar groups? To me, this has the same problems as all slippery-slope arguments; namely, everything in life is necessarily an exercise in line-drawing. The fact that we think the U.S. was justified in bombing Germany in WWII does not mean that we think countries can indiscriminately bomb one another under any circumstances. It is not always easy to draw the line, but it does not make sense to say that because of this difficulty we should stop trying and just say that violence is wrong in all circumstances.

The fact of the matter is that most Western governments' opposition to terrorism has less to do with antipathy towards violence and more to do with fear of the status quo being upset. Turkey, for example, is a NATO ally of the U.S., and although the American government claims to be a worldwide leader in the struggle for democracy and human rights, it supported the pursuit of Ocalan despite Turkey's horrific human rights record and well-known repression of the Kurd minority. It is



ironic that the U.S. continues to justify its military presence in Iraq by claiming to defend the Kurds against Iraqi government oppression, yet it condemns Kurds in Turkey who fight on their own behalf against similar oppression. In the end, the deciding factor is never justice or concern for human rights. The deciding factor is politics.

Before we condemn terrorists with bland, all-encompassing statements like "nothing ever justifies the killing of innocent women and children," we should take an honest look at what is driving them to violence. In many cases we will see people encountering brutal treatment at the hands of their governments and fighting for the very things we claim to value most. It is a good idea to remember that even Nelson Mandela, arguably the most respected and dignified leader of the last few decades, was a leader in the African National Congress's military wing, which used terrorism to oppose South Africa's pro-apartheid government.

When injustice and oppression are allowed to operate unchecked, violent resistance will inevitably result. Instead of condemning the resisters, we should applaud and assist their opposition to tyranny, even when their oppressors happen to be our allies.

FACULTY HONOR ROLL

By Manoj Mate '00

Students Recognize Excellence in Teaching

This week, the Law School Council completed tabulating the results from its "Grade Your Professor" survey conducted among first-year students in February. The surveys provided students with an unprecedented opportunity to grade professors based on the overall effectiveness of their lectures and course structure.

A central component of the LSC's Community 2000 "Excellence in Teaching" program, the survey project was designed to reward excellence in teaching, highlighting factors that students identified as contributing to the overall effectiveness of professors and courses that students rated highly.

Students were instructed to assign overall grades to each of their own professors based on a totality of factors, including the clarity and effectiveness of lectures, the organization of lectures and assigned readings, the accessibility and responsiveness of professors to student needs, the quality of assigned reading materials and their relevance to class lectures, and the amount and quality of exam preparation. Students were then asked to report what criteria they used in making their evaluations and to highlight specific factors that they felt contributed to teaching effectiveness. Students were also asked to identify specific problems with courses/professors that received lower grades, and to suggest potential changes that might remedy these problems. The surveys were conducted before students received their own grades for these classes.

About one-quarter of the first-year class (139 out of approximately 550 students) participated in the survey. The surveys in no way represent a scientific study of teaching effectiveness, and it should be noted that respondents were provided substantial leeway in making their own subjective assessments of professor/course effectiveness. The Council will attempt in the future to provide more sophisticated and statistically relevant surveys that will ask students to rate professors on specific elements of teaching. We believe, however,

that the results of these surveys provide a useful starting point in our efforts to improve the quality of legal education at Harvard Law School by providing professors with clear feedback that conveys students' perceptions of the professors' and courses' overall effectiveness.

It should be noted that no specific grading scale was prescribed in the survey questionnaire. Survey grade responses were assigned numerical values on a 4.3 scale (an A+ received 4.3 points, an A 4 points, and so on). The results were then totaled and averaged, and rounded to the nearest tenth, and then converted back to a letter grade.

and lack of concern for students generally.

Profs. Miller and Meltzer received high praise from students. They praised Miller's effective Socratic presentation style and Meltzer's ability to foster strong class discussions while staying focused on the course syllabus and subject, as well as Meltzer's use of teaching assistants.

Section 2 students gave higher grades to professors who were highly accessible outside of class and responsive to student needs, and provided clear, organized, and interesting classroom presentations. Stu-



would take the course off-topic.

Students gave low grades based on the lack of accessibility of the professor, lack of clarity of presentation, inability to lead discussions, and disorganization. Students observed that Prof. Singer's

course presentations "lacked clarity" and were "dry" and "occasionally confusing," and pointed to a lack of classroom participation and responsiveness to students' questions and concerns. Students suggested that a more effective use of the Socratic method, greater integration of case readings into lectures, and increased participation would help improve the effectiveness of a course.

Section 3 students assigned higher grades to professors who were clear in their presentation, very accessible, demonstrated a strong interest in the subject, were very organized, and elicited class participation from students. Students wrote that Prof. Stuntz was "very engaging," "readily accessible," "fantastic," and "exceptionally clear;" one student noted that Stuntz showed that he "loved what he was doing" and "went above and beyond the call of duty" in inspiring independent thought.

Prof. Michelman was portrayed as "incredibly responsive," "clear," "engaging," and very organized; one student stated that Michelman was "the best I can imagine in a law professor." Michelman also received very strong reviews for his "passion" for the material, his ability to merge policy theory and black letter law, and for his use of a class web page. Students assigned lower grades based on disorganization, lack of clarity, and lack of control in class.

Many students felt Prof. Minow's reading load was too large ("excessive" and "insane"), which detracted from the clarity and depth of the course, but noted that Minow was "clear," "energetic," and "engaging." Students wrote that Prof.

How the Professors Rated: IL Survey Results

Section 1 Grades:		Section 2 Grades:		Section 3 Grades:	
Miller	NR*	Hay	A-	Minow	B
Meltzer	NR*	Frug	B+	Heymann	B
Hanson	A-	Lessig	B+	Weinreb	B+
Schwartz	A-	Jolls	B	Stuntz	A-
Sargentich	B+	Singer	C+	Michelman	A-

*Grades for Profs. Miller and Meltzer were not released, since both teach year-long courses.

Section 4 Grades:

Desan	B
White	C
Slaughter	B+
Donahue	B
Horwitz	B

Section 1 students gave higher grades to professors who provided very clear lecture presentations, used the Socratic method effectively, were very organized in their presentations and course syllabus, were highly accessible to students and sensitive to their needs and concerns, and facilitated and encouraged discussion while moving through the course syllabus methodically and efficiently.

Specifically, students wrote that Profs. Hanson and Schwartz "showed concern for students," "were organized," and "were always available to help and answer questions." Students assigned lower grades based on lack of clarity of presentation, lack of accessibility and responsiveness to students, high degree of disorganization,

students wrote that Prof. Hay demonstrated a strong "ability to lead discussions," and spent time trying to "improve the class" during the semester, and also observed that he was very clear in lectures, had a great command of the Socratic method and was very accessible and responsive to student needs.

Students said Prof. Frug was "funny" and "brilliant," "explained issues clearly," "challenged you to think," and was "one of the best professors" at the school. Some first-year students wrote that Prof. Lessig ran class effectively by "masterfully" combining the Socratic method with voluntary participation, but some complained of disorganization and the negative effects of in-class "philosophical wanderings" that

Please see *GRADES*, p. 12