

Teaching as Art Form— A Review of *The Elements of Teaching*

By James M. Banner Jr. and Harold C. Cannon
Yale University Press, 1999

Reviewed by David I. C. Thomson

David I. C. Thomson is Lawyering Process Professor at the Sturm College of Law at the University of Denver in Colorado.

The authors of this gem of a book—both retired college teachers who gave their professional lifetimes to teaching—write simply and passionately about what it takes to be an effective teacher, and manage to reduce the key aspects of a complex process down to nine primary elements. In so doing, they provide not only a road map of aspiration for the new teacher, but also signposts of inspiration for the experienced teacher.

In the very first sentence the authors state their thesis: “Most teachers forget that teaching is an art.”¹ Of course, they acknowledge—as they must—that no single person can be a great artist in the classroom every day. But they note that most teachers prepare to teach by merely learning the subject they will teach and the methods of teaching that subject, but rarely consider the qualities of personal character that great teaching also requires. It is these qualities that this book addresses, and it does so out of a belief that these dimensions of character and mind are at the core of what we do, which it defines as: “to help others acquire both the knowledge by which they can understand life in all its fullness and the dispositions by which they can live such a life.” This is not a teaching methods book, and because its focus is on the necessary personal qualities of a teacher, it is universal to any subject one might choose to teach, from first-grade penmanship to third-year administrative law.

The authors devote a chapter to each of the nine elements of teaching: learning, authority, ethics, order, imagination, compassion, patience, character, and pleasure. Each chapter defines and explains the characteristics of each element, and then provides either an inspirational or a cautionary example from a fictional (or perhaps not so fictional) teacher.

Learning. Of course, one cannot effectively teach a subject without knowing and mastering that subject. But if it ends there then this element of teaching will be missing or at least shortchanged. Because, as the authors point out, “learning embodies the act of learning.” In showing our students how to learn our subject, we have to be enthusiastic about the act of learning ourselves; and we must keep up with our subject, and be excited about doing so. We must convey the love of learning to others, even if the subject we teach is not captivating on its own. It is through complete mastery of our subject that we are best equipped to impart this excitement in the subject to our students.

If in legal writing we are not honestly enthusiastic about our subject, our students catch on to this quickly, and take our lead. We must, therefore, constantly guard against this, and if we are uninterested or burned out, consider another subject for our teaching focus.

Authority. The authors define this element as “legitimate influence over others,”² and distinguish it from mere power because, unlike power,

“We must convey the love of learning to others, even if the subject we teach is not captivating on its own.”

¹ James M. Banner and Harold C. Cannon, *The Elements of Teaching* 1 (1999).

² *Id.* at 21.

“When we get a note from a student at the end of the year saying that we were ‘demanding but fair,’ we know that we have done well in maintaining order.”

authority is reciprocal, and depends upon our students giving it to us, as well as in our earning it. Authority in the classroom comes from showing a seriousness of purpose, providing an edifying example, and maintaining a proper distance between teacher and student. While acknowledging that young teachers should not be expected to possess the authority of more seasoned colleagues, they can (and must) be able to make clear to their students that they know how to lead them, and to inspire them to believe that it will be rewarding and educational to follow them.

Ethics. The subject of this chapter is, at first blush, no stranger to a law teacher. But by ethics here the authors mean that teaching requires “student-centered” ethics at all times. “If the good of our students is not the focus of our attention, they cannot be taught, and are unlikely to learn.”³ What is hard about this, for all of us, is that if students are the focus of our attention, then we are not, and this self-denial is difficult. But it is required. We must be always attentive to our students’ welfare, and be willing to repeatedly make considerable gifts of energy and time to meet their needs.

Order. The element of order requires both authority and leadership. We must have earned our authority over the classroom, and we must be good leaders of it. We are good leaders of a classroom when we are clear with our students about the purpose of each lesson, and when our teaching has direction and momentum. We also must maintain a tranquil and safe environment for learning, and if necessary, employ judicious discipline to do so. When we get a note from a student at the end of the year saying that we were “demanding but fair,” we know that we have done well in maintaining order.

In legal writing, our subject is made up of many components: legal research, citation, memo form, brief writing, and oral argument, among others. It is especially important, then, to be disciplined about maintaining order in the course, with a

detailed and dependable syllabus that clearly explains the many components of the course and how they interrelate.

Imagination. Effective teaching requires great imagination—not occasionally, but nearly continuously. Good teachers must be able to imagine themselves in their students’ place and to help their students to imagine being in a place of greater knowledge and understanding than they may be at the time. In describing the element of imagination, the authors quote the 19th-century Harvard psychology professor William James, from his *Talks to Teachers*: “In teaching you must simply work your pupil into such a state of interest in what you are going to teach him that every other subject of attention is banished from his mind; then reveal it to him so impressively that he will remember the occasion to his dying day; and finally fill him with devouring curiosity to know what the next steps in connection with the subject are.”⁴ There are days, of course, when this seems unattainable. But if we can have the requisite imagination to anticipate the needs and reactions of our students, if we can imagine more engaging and effective ways of presenting our subject, if we can be creative and excited about our teaching, then we will go a long way toward achieving James’ lofty goal.

Compassion. The sort of “feeling” that is embodied in the element of compassion is generally frowned upon in teaching, certainly in law school teaching. But the authors point out that the original Latin components of the English word literally mean “suffer with,” and thus compassion is inherent in effective teaching, because we must share our students’ feelings of angst, difficulty, and distress in learning what we are teaching them. If we do not, we cannot reach them, and if we cannot reach them, we cannot effectively assess their particular learning requirements.

In one of the more striking paragraphs in the book, the authors underline the importance of this

³ *Id.* at 35.

⁴ *Id.* at 67.

element: “Anyone contemplating teaching as a profession should consider compassion as a measure of suitability. The physical and emotional toll exacted by teaching will be too much for those lacking it; better by far that they leave the care of the ignorant multitudes to those who find their difficulties and their hunger to learn innately compelling. Those who experience difficulty in accepting the place of compassion in the classroom . . . or who prefer their working lives to be exclusively intellectual should avoid teaching altogether and probably consider devoting themselves to less demanding occupations, such as politics or crime.”⁵

I am often guilty of saying in class: “C’mon folks, this is easy.” Of course what I mean is to encourage my students to put down their fear of the subject, and embrace it as eminently learnable. But a more compassionate teacher says instead: “Yes this is difficult; I had a hard time learning it too. But let me see if I can think of another way to teach it so it seems easier to understand.”

Patience. In the view of the authors, it is this element above all others that invites and supports learning the most. Patient teachers expect no more from their students than they are capable of, and they give them the time and space to learn, and make allowances for the folly of youth. Patient teachers are willing to “suffer fools gladly.”

Let’s face it, our charges are often young, and impetuous, and focused on many other things before learning what we are teaching them. They try our patience every day, and sometimes we are tempted to scold them. This chapter reminded me of a student I had in class last year who, at the beginning of the year, would just shout out in class when she felt like saying something. Often, it was not a constructive contribution to the class. Many times I was tempted to call this student out, and disabuse her of the notion that this was appropriate behavior. But I chose not to, dealt with her

comments respectfully, and felt I was still able to maintain order. I calculated that if I called her out, I might lose her for the semester, and that she would probably figure it out on her own. As the semester wore on, the comments subsided. At the mid-year, I gave her a grade she said she had never received before, and she was upset. By the end of the year, she came to see me, thanked me for “teaching her so much this year,” and gave me a very thoughtful present.

Character. If we are authentic in our character, willing to show our humanity, and admit errors, we will be more effective teachers. What we bring to the classroom from our own lives outside of class should not be kept from students if it supports our authenticity. We must be sociable and approachable, while still maintaining the appropriate distance.

I think the authors of this book would say that the “Kingsfield” style of law school teaching—if it ever truly existed—is counterproductive and ultimately ineffective. While it might, for a time, engender enough fear to encourage marginally better class preparation, the ultimate cost in lack of humanity would eventually turn off more students than it would turn on. As the authors point out, “After all, it was with music and the eccentric costume of a jester that the Pied Piper made all the children of Hamelin follow him.”⁶

Pleasure. The final element recognizes that many teachers teach because it gives them a particular kind of joy and satisfaction that is hard to find elsewhere. Indeed, the authors encourage this by stating that teaching should be work as well as play. “The classroom should be a place for light hearts as well as serious minds.”⁷ Pleasure should also be felt by students, since effective teachers are able to create classes where students enjoy learning. While this is not always easy, if students can see that their work is leading to a greater understanding of the

“If we are authentic in our character, willing to show our humanity, and admit errors, we will be more effective teachers.”

⁵ *Id.* at 89.

⁶ *Id.* at 107.

⁷ *Id.* at 121.

“ [W]hat makes the art of excellent teaching so challenging is that all of the elements they have outlined must be employed not singly or in pairs, but all at once. ”

world around them, then it can be quite pleasurable for them, as well as for us.

When teaching is pleasurable for us, we should not hesitate to tell our students this. Several times a year I find myself behind the podium about to start a class with this question virtually bursting out of my head: “How did I get so lucky as to be here with you today?” And so I ask the question out loud—not expecting an answer, of course, but they get the message. I really am glad to be there.

In the book’s afterward, the authors note that while they have separated these nine elements in the **writing of this book**, they acknowledge that indeed they overlap and interrelate. **As they point out**, what makes the art of excellent teaching so challenging is that all of the elements they have outlined must be employed **not singly or in pairs, but all at once**. They admonish teachers not to be indifferent to any one of the elements, any more than they can be indifferent to “the minds and characters of each student they teach.”⁸

© 2006 David I. C. Thomson

Another Perspective

“I believe that the most critical skills that teachers need are related to what is referred to as ‘good teaching’—the ability to listen, to demonstrate respect for the student, to model professionalism in the level of preparation and treatment of the material, and to not take yourself so seriously. But most importantly, the teacher must be willing to engage in some risk taking to enhance and enrich the students’ learning experience.”

—Okianer Christian Dark, *Incorporating Issues of Race, Gender, Class, Sexual Orientation, and Disability into Law School Teaching*, 32 *Willamette L. Rev.* 541, 543 (1996).

⁸ *Id.* at 137.