teaching method used in the clinic, has much to offer in the quest to understand how law students learn and as we think about what it is that we want them to learn. Teachers who adopt clinicians' teaching methods, including particularly the use of thought provoking questions, may find more effective ways of reaching students. Clinical teaching methods offer significant value throughout the law school curriculum, where students could benefit from more interactive, collaborative, reflective learning experiences.

CURRICULUM

Human rights and legal education in the western hemisphere: legal parochialism and hollow universalism
LC Backer
21 *Penn St Int'l L Rev* 2002, pp 115–160

This essay examines the reality of human rights education within the Americas based on an acceptance of the assumptions about the teaching mission of law schools with respect to human rights and the relationship of that teaching mission to an assumed obligation of law schools to participate in the development of positive law. It introduces the problem of legal parochialism and hollow universalism as impediments to the internalisation of universal individual human rights norms in the Americas.

The world has been moving slowly toward a grudging acceptance of globalism in a variety of fields. If globalisation is the great postulate of the twenty-first century socio-economic organisation, its great corollary is legal convergence. The imperatives of modern commerce have been a great engine of globalism. Legal education, as well, has seen the beginnings of attempts to respond positively to the forces of convergence and globalisation. Convergence has come slowly in other areas as well. Starting with the United Nation's Universal Declaration of Human Rights, there has been an accelerating trend, especially within the Americas, to embrace a universal normative structure for defining the rights of individuals. Convergence of notions of individual human rights has not had the sort of successes that have marked worldwide international economic integration but there is a noticeable inclination of governmental institutions across the Americas to at least acknowledge *de jure* the importance of protecting individual human rights.

US law schools serve a pivotal role in perpetuating the American Supreme Court's current division of rights discourse as a natural division of law. Our curricula normalises the great division between, on the one hand, domestic law and the rights of citizens and permanent residents of the United States and, on the other hand, rights available to outsiders. The foundation of fundamental rights in the United States is presumed to be the Federal Constitution — a product of domestic development. The foundation of fundamental human rights in other nations, on the other hand, is made up of the charters of rights recognised as fundamental and universal by supranational organisations. Human rights education is necessary — but it is a subject of study of others.

In order to be effective, education must be a tool for the assimilation of universal principles of individual human rights. The universities must consciously engage in a sort of missionary activity, to work as the vanguard of changing cultural norms and expectations. This is difficult work for academics; as the tools of a universalising creed, academics will have to overcome the tension between one of the core norms of universal individual human rights, respect for cultural differences, and the purpose of the universal individual human rights project itself, requiring conformity within all cultural communities of a set of basic transcendent conduct norms.

Academics, in their role as teachers, must be prepared to further a set of meta-norms which cannot be disputed, and which must be protected against incursion in the name of national tradition or culture or religion or ethnicity or indigenous status. This assimilative project requires a continual stripping of the sovereignty of states. It is ironic that legal education in the western hemisphere, if it is to be truly effective in accordance with the assumptions earlier made, would have to be based on a commitment to a fundamental normative understanding that would strip core norm-making authority from independent communities and transfer this authority to a much larger global or regional community made up of a number of member states.

Incorporating universal individual human rights as part of the basis for the teaching of the social and political organisation in the United States requires a substantial reorientation by US law teachers. Such an incorporation entails liberation from the deeply ingrained provincialism that has characterised the teaching of human rights in the US as one thing for the US and another thing entirely for everyone else. Law must become an integral and integrated part of the curriculum of universal human rights laws applicable consistently throughout the Americas.

Universal individual human rights will neither be universal nor rights unless it is taught as such in all of the Americas, and taught in such a manner that similar situations produce similar results throughout the Americas. This requires a significant adjustment in the curriculum of American law schools, based on an acceptance of the supra-constitutional basis for the rights of the citizens and residents of the United States. At the same time, universal individual human rights remains an

empty letter to the extent it remains an outsider to the normative structure of a political community. This naturalisation may require the greatest adjustments in the curriculum of the law schools of the Americas outside of the United States.

Merely offering a course for students neither suggests the relative importance of the course for student development nor does it suggest its content. As law faculties have been aware for a long time — curriculum matters. The perceived importance of a course, the nature of the way it is taught, and its connection to other courses in an integrated curriculum are all matters that significantly affect the power of a course. In the United States, human rights is a marginalised field of study, consigned to the field of foreign or international law.

The current state of curricular parochialism in US law schools is well known. Most American law schools have not made significant progress in integrating international perspectives within their domestic law courses. The more common strategy has been to add a select number of courses in international and comparative law. To a large degree, instruction in individual human rights is relegated to a curricular Never-Never Land. The important courses in individual rights, with pride of place in the curriculum, are all essentially courses in insular law.

It is an easy matter to argue for a blending of the parochial and the universal when teaching — and practising — human rights within a nation-state. It is, likewise, simple to demonstrate that the methodology of the current pedagogy is imperfect. It is quite another matter, however, to convince law teachers that this methodological problem is one worth correcting, and harder still to illustrate how this correction might be accomplished in fact.

The benefits of such an approach are fairly easy to understand. First, it can significantly enrich an understanding of indigenous approaches to the protection of individual rights within the structuring of the parochial legal system being studied. Second, this contextualising approach can accomplish the enrichment function while remaining true to law as actually being practised. Third, this approach can offer a faculty member the opportunity to provide students with insights not only with respect to current regimes of constitutional interpretation, but also to potential alternatives, which, whether the students or their instructor like them or not, will likely confront the practitioner, as well as the theoretician, more often as the century wears on.

There exist several significant impediments to any movement in this direction. The addition of international and comparative themes to existing courses, and especially existing first year courses, may present fatal obstacles. Traditional courses are already crowded with information, requiring abbreviated presentation of important domestic substantive issues. Also many instructors might be uncomfortable with unfamiliar materials. The result might be faculty resistance to this sort of innovation. If international and comparative human rights issues are woven into advanced courses, there is no guarantee that students may take the course in sufficient numbers to be effective. Moreover, the lack of readily available teaching materials may pose another significant obstacle. Also, busy faculties tend to prefer to follow the strong incentive structure provided by conventional professional expectations. The pull to follow the currently conventional thinking of the judiciary, and the inertia exerted by the traditional division of subjects within a law school curriculum, all tend to create barriers to any change in current approach.

Balanced against these obstacles is the emergence of additional and newer pedagogies for naturalising international individual human rights within the law schools. Among them, clinical education has great potential both as a means of teaching individual human rights in context and as providing an essential bridge between theory in the classroom and practice in the everyday life of the legal community. Clinic and clinical faculties are in the optimum position, not only to weave international human rights themes into their courses, but also to formulate and put forward in court those arguments that might have an effect on the ways in which American courts approach human rights norm making.

INDIVIDUAL SUBJECTS/ AREAS OF LAW

Approaches to teaching property: teaching property law – some lessons learned
S Friedland
46 *St Louis L J*, 2002, pp 581–603

Among the most useful general observations for teaching property law is that it offers a coalescence of dual tenets underlying sociology, psychology and the law – acquisitiveness and antagonism. What an understanding of these central tenets means to the property law teacher is that the law is an effort to shape and corral both acquisitiveness and antagonism, from prioritising multiple claimants in recording statutes, to distinguishing adverse possessors from trespassers, to creating limits on the scope of easements and nuisances. The law of property does not rest solely on legal policy and precedent, cabined only by abstract rules and principles, but rather is forged from principles of acquisitiveness and competitive antagonism as well.

For many students, an exploration of the deeper values underlying the concept of private property helps to explicate the nature and understanding