As a Carnegie Scholar studying teaching and learning, Professor Jane Aiken is thinking about the process of teaching: How do we teach? Why do we teach?

She has long known what she wanted to teach as a result of her deep drive to understand and articulate harm, to discover the imbalances of power in society. From this process, she feels, comes greater understanding of the larger social system and better lawyering. Today, her primary mission is to help Washington University’s law students achieve the same.

Her goal: to train “provocateurs for justice.” In a Clinical Law Review article she is preparing for publication in spring 2001, Aiken describes the provocateur as one who instigates or inspires others to action. “I’m trying to help students clarify how their values and experiences affect their case handling. I want to teach them to be legal change agents for justice.”

She first became aware of the realities of power imbalances when she witnessed the disparity between what she saw each day and what the government told its citizens about fair play. The lack of connection between words and reality became a source of conflict for her.

“This was the era of the Civil Rights Movement and the Vietnam War,” she explains. “The inconsistencies between what the law said was right and what was actually happening focused my attention. I began to question basic assumptions and decided I wanted to work to promote justice.”

This decision came early in her life. “I grew up in a conservative Southern family during the ’60s, a time when women didn’t have many choices besides volunteering and being a wife and mother,” Aiken says. “But I knew early on that I wanted to play a larger role, make a different contribution.”

After graduating from Virginia’s Hollins College in 1977 and serving as a congressional fellow and investigator on the Senate Subcommittee on Investigations, Aiken worked as a community organizer in Washington, D.C. As she assisted low-income tenants threatened with eviction, Aiken learned some hard realities.

“Women who were victims of domestic violence would come to me for help. When I tried to get the police to issue a restraining order against their abusive partners, they would often refuse unless injuries included six stitches or a broken bone,” she remembers.

Aiken would later learn that many of her referrals to local attorneys for pro bono work unwittingly led to more client abuse as some of the attorneys demanded sexual favors in return for free service. “Here I was, a naive South Carolina girl who thought I was acting good-hearted. I had wanted to make a positive difference. Instead, I felt like a pimp,” Aiken says.

The experience steered her toward the law. Aiken attended the Root-Tilden public interest
She is also giving her time to designing a social work field experience in the Civil Justice Clinic and to working on an article, “Law and Social Work,” which she is co-authoring with Stephen Wizner, the William O. Douglas Clinical Professor at Yale Law School. This scholarship flows from her 1997 article on “Striving to Teach Justice, Fairness, and Morality.”

Her clinical work, teaching, and scholarship have earned her numerous awards, including the Burlington Northern Teaching Award at Arizona State University College of Law and Outstanding Professor at the University of South Carolina School of Law.

Since 1994 Aiken has also been teaching evidence law to federal magistrate and district court judges at the Federal Judicial Training Center.

Furthermore, her special area of interest, “sexual character” evidence, will be discussed in a forthcoming article, "Protecting Plaintiffs’ Sexual Pasts: Coping with Preconceptions Through Discretion.”

Aiken appreciates the School of Law’s “incredibly warm community” and its support of her scholarship and institutional work. “It takes in people and embraces them,” she says.

The admiration is returned in kind. “Jane Aiken is an exceptionally caring and capable teacher, who shows genuine compassion for the whole person and inspires students to throw themselves into their work with equal passion,” says Stephen H. Legomsky, the Charles F. Nagel Professor of International and Comparative Law and director of the School’s Institute for Global Legal Studies. “But the point I would emphasize is that Jane is much more than a fabulous teacher. She is also a first-rate scholar whose national reputation brings high visibility to our clinical law program and to the whole law school.”

Catherine Smith, assistant professor at Thurgood Marshall School of Law at Texas Southern University, not only studied under Aiken, but also served two years as Aiken’s research assistant at the University of South Carolina. Smith describes Aiken’s teaching style as “a hybrid Socratic method. She forces students to think outside the box, to not accept the rule of law at face value, but to critically analyze it. She pushes her students to the next level of thought and action in terms of social justice and civil rights issues. I want to model my teaching style after Jane’s.”

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Stephen Legomsky

law program at New York University School of Law on full scholarship, earning her JD in 1983. After receiving a master’s degree in advocacy from Georgetown University Law Center in 1985, she was ready to tackle legal challenges on behalf of society’s most powerless populations: women and children.

The path Aiken chose to reach her goal was teaching: “I feel I can do more for victims of oppression by training students to work toward social justice than by trying to achieve social justice one case at a time.”

After serving two years as an advocacy fellow and clinical instructor at Georgetown University’s Center for Applied Legal Studies, she taught at Arizona State University College of Law as a classroom professor and director of the HIV Legal Clinic. Aiken then taught at the University of South Carolina School of Law before arriving at Washington University School of Law, where she was a visiting professor in 1997–98 and then appointed to the faculty in 1998.

Aiken teaches “traditional” courses, such as Evidence and Torts, and also supervises eight law students at the School of Law’s Civil Justice Clinic.

In the clinic, she and attorney C.J. Larkin hone students’ lawyering skills. Recent clinic success stories include helping a wrongly imprisoned victim of domestic violence obtain early release and gaining an order of protection for a mother who believed her batterer would take her children if she left.

“Too often, students graduate from law schools without knowing how to do fact investigation,” Aiken says. “Taking a clinic gives students the chance to learn the complexity of justice.”

She strongly believes that law students’ critical thinking skills must be transformed not only by handling actual cases, but also by facing experiences outside their own worldviews. Specifically, direct hands-on learning in the clinic teaches that social problems are contextual and that the gathering and interpretation of facts affect legal outcome. When students finally understand their powerful role in this process, Aiken feels she’s done her job.

As another part of her job, Aiken is finding new areas for collaboration in Washington University’s joint-degree program in law and social work. She is teaching the course titled Law and Social Work this semester. She is also creating spin-off interdisciplinary courses on family systems and community economic development.