

What to Learn from Pandemic Teaching? Our Student's Names

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What's your name? It's the first question we ask when meeting another person. It's the first piece of information we provide about ourselves. The act of saying one's name is a statement of presence; a name is the marker that ties together into a unique identity the disparate pieces of who we are, where we come from, and who we aspire to be. To have a name, and to have it invited, acknowledged, and used, is to be included.

Names can also lead to exclusion, however, particularly in higher education settings that reflect the dominant culture, when faculty make mistakes with names that are outside of dominant culture norms. In 2020, a female Asian student enrolled in an online college trigonometry course with her ethnic name, Phuc Bui Diem Nguyen.¹ Her professor asked her to Anglicize her name—to make it sound more English—because a part of her name sounded like an offensive term to him in English.² He also wanted to avoid confusing her with another student who had the same surname.³ When she responded that his request was discriminatory, he repeated his request, saying, “I understand you are offended, but you need to understand your name is an offensive sound in my language.”⁴ In doing so, he asserted the dominance of English in the educational space and excluded a part of the student's identity.

In a law school setting, exclusion does not need to be overt, particularly in a classroom where the tradition of Socratic dialogue emphasizes a norm of active participation in the conversation. In one example from Swethaa Ballakrishnen and Carole Silver's examination of the experiences of international J.D.

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1. Derrick Bryson Taylor & Christina Morales, *Professor Who Asked Student to Anglicize Her Name is Put on Leave*, N.Y. TIMES (June 21, 2020), <https://www.nytimes.com/2020/06/21/us/phuc-bui-diem-nguyen-laney-college.html>.
2. *Id.*
3. *Id.*
4. *Id.*

students, a Korean student with an ethnic Korean name described in an interview a tendency for professors not to cold-call her in the initial weeks of a semester, noting her name was “not the easiest I think for professors to say, that’s my guess.”⁵ The student was excluded from the discussion simply through a lack of an invitation to enter it.

These examples are particularly uncomfortable, but unfortunately may not be rare in higher education, and particularly in a law school setting. Law faculty might fail to pronounce names that sound different or “foreign.” We might fail to attach the right name to the right student. We might fail to acknowledge that a name might have cultural, racial, historical, familial, or individual significance, or we might fail to acknowledge the agency of the students who choose not to use their official names. However, if we shift our own mindsets during pandemic remote teaching, we may be able to take advantage of the technology we are all becoming so familiar with to remove barriers in online classrooms and create more inclusive spaces for students.

Are names that hard?

There is no current data on the prevalence of acts of exclusion based on names, particularly in law schools, but anecdotes from a variety of sources indicate they are fairly prevalent in society,⁶ so much so that the continued mispronunciation of Vice-President Kamala Harris’ name by those ideologically opposed to her became a source of satire at the Democratic National Convention,⁷ and an ongoing tool of political messaging to highlight

5. Swethaa S. Ballakrishnen & Carole Silver, *A NEW MINORITY? International JD Students in US Law Schools*, 44 L. & SOC. INQUIRY 647, 665 (2019). The student also mentioned a professor calling on her and another Korean student by their last names, in contrast to the professor calling on all other students in the class by their first names.
6. There are many examples from individuals, often individuals of color, of having names mispronounced, Anglicized, ridiculed, avoided, overlooked, or focused on in a way that causes discomfort or rises to a microaggression. See, e.g., Margaret Sullivan, Perspective, *Tucker Carlson’s Mangling of Kamala Harris’s Name was all About Disrespect*, WASH. POST (Aug. 12, 2020), https://www.washingtonpost.com/lifestyle/media/tucker-carlsons-mangling-of-kamala-harriss-name-was-all-about-disrespect/2020/08/12/ea573d06-dca7-11ea-809e-b8be57ba616e_story.html; Isoke Samuel, *Rep. Jayapal Asks That Her Name Be Properly Pronounced After Colleague Gets It Wrong*, NBC NEWS (July 28, 2020), <https://www.nbcnews.com/news/asian-america/rep-jayapal-asks-her-name-be-properly-pronounced-after-colleague-n1235147>; Ruchika Tulshyan, *If You Don’t Know How to Say Someone’s Name, Just Ask*, HARV. BUS. REV. (Jan. 9, 2020), <https://hbr.org/2020/01/if-you-dont-know-how-to-say-someones-name-just-ask>; Arvind Narayanan (@random_walker), TWITTER (Nov. 26, 2019, 7:18 AM), https://twitter.com/random_walker/status/1199301468941160450; Inkoo Kang, *Why That Video of Hasan Minhaj Teaching Ellen to Say His Name Went So Viral*, SLATE (Apr. 8, 2019), <https://slate.com/culture/2019/04/hasan-minhaj-pronunciation-video-ellen-immigrant-names.html>; Christina Zhang, *What’s Your Name?*, INT’L WRITER’S BLOG (Dec. 10, 2017), <https://blogs.brown.edu/international-writers/2017/12/10/whats-your-name-2/>; Rita Kohli & Daniel G. Solórzano, *Teachers, Please Learn Our Names!: Racial Microaggressions in the K-12 classroom*, 15 RACE ETHNICITY AND EDUC. 441 (2012), <https://www.tandfonline.com/doi/abs/10.1080/13613324.2012.674026>.
7. *Julia Louis-Dreyfus Pronounces Vice President Mike Pence as ‘Meeka Pints’ in Comedic Exchange with*

her difference from the White mainstream.⁸ Data does show that names can be used to exclude in the workplace; candidates with names reflecting the dominant culture on resumes can lead to more callbacks from employers in professional settings.⁹ Thus, we can expect that law schools are likely also settings for acts of exclusion based on names.

Law school professors likely do not intend to exclude. In fact, a professor may face legitimate challenges with learning an unfamiliar name: 1) pronunciation, or getting it right; and 2) identification, or attaching the right name to the right person. The underlying problem, though, is that diverse names may continue to be unfamiliar to many law professors because of a continuing lack of diversity in law schools and law school faculties.¹⁰ More diversity would arguably create more exposure to and opportunities to learn diverse names, which would ease pronunciation or identification challenges.

Challenge 1: Getting it right

Properly pronouncing a name can be legitimately difficult. On the psychological front, a professor may be afraid to mispronounce a student's name. For example, the professor herself may face a struggle with her own sense of belonging, or imposter syndrome. The worry about getting a name wrong may create a contradictory barrier to pronouncing the name correctly, by discouraging the professor from even attempting the name, as surmised by the student interviewed by Ballakrishnen and Silver.¹¹ On the linguistic front, some sounds are simply not the sounds U.S. law professors are familiar with, or practiced in—they do not have an English language corollary.¹² For example, a voiced trill, or rolled r, may be difficult for some professors. Tonal sounds in names can also be difficult to master. Alternatively, sounds in names may be combined in ways professors are not familiar with. Pronunciation is a real challenge, though ultimately, with time and practice, it can be learned.

Andrew Yang, POLITICO (Aug. 20, 2020), <https://www.politico.com/video/2020/08/20/julia-louis-dreyfus-pronounces-vice-president-mike-pence-as-meeka-pints-in-comedic-exchange-with-andrew-yang-085665>; Ivan Pereira, *Julia Louis-Dreyfus Takes Jabs at Trump, Pence, Facebook, Others as Emcee During DNC*, ABC NEWS (Aug. 20, 2020), <https://abcnews.go.com/Politics/julia-louis-dreyfus-lays-jabs-trump-pence-facebook/story?id=72510026>.

8. See, e.g., Chelsea James, *Mispronouncing 'Kamala': Accident or Message?*, WASH. POST (Oct. 24, 2020), https://www.washingtonpost.com/politics/mispronouncing-kamala-accident-or-message/2020/10/23/5927f120-13b3-11eb-ad6f-36c93e6e94fb_story.html.
9. See, e.g., Marianne Bertrand & Sendhil Mullainathan, *Are Emily and Greg More Employable than Lakisha and Jamal? A Field Experiment on Labor Market Discrimination*, 94 THE AM. ECON. REV. 991 (Sept. 2004).
10. See, e.g., MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* 4 (2019); see also Meera E. Deo, *The Ugly Truth about Legal Academia*, 80 BROOK. L. REV. 943, 961-62 (2015).
11. Ballakrishnen & Silver, *supra* note 5, at 665.
12. Of course, this assumes the professor's primary language is English, which it may or may not be.

Challenge 2: Right name, right person

Professors may also assert they are “bad with names” or “bad with faces” and mix up names as a result, which creates an identification issue. A very few may in fact have a real medical condition, prosopagnosia, colloquially termed face-blindness.¹³ An individual with prosopagnosia is unable to recognize facial features, including those of members of her own family.¹⁴ Individuals with prosopagnosia develop coping mechanisms for the condition, including asking others to use name tags or using other distinguishing characteristics of a person, like hair or clothing, to identify that person.¹⁵ People who claim to be bad with names and/or faces do not usually have prosopagnosia; it appears in less than three percent of the population.¹⁶

Most professors who claim to be “bad with names” may be experiencing a different phenomenon I would like to call exposure bias, otherwise known as the other-race effect, cross-race effect, or own-race bias by cognitive scientists.¹⁷ Exposure bias means it is easier for people to distinguish and identify people from races they have been more exposed to—for many individuals, those of their own race.¹⁸ Thus, if a professor had several students of a racial background different from her own, her exposure bias to people of her own race would make it more difficult for the professor to distinguish the students from one another, and thus to attach the correct name to each student. This may be what happens when a professor calls a minority student by the name of another minority student, for example. The professor, however, would be able to improve her ability to distinguish those students by increasing her exposure to them.¹⁹ Likewise, she would be able to improve her ability to distinguish students outside of her own race by becoming more exposed to people outside of her own race.²⁰

13. Alexa Tsoulis-Reay, *What It's Like to Be Profoundly Face-Blind*, THE CUT (July 9, 2015), <https://www.thecut.com/2015/07/what-its-like-to-be-profoundly-face-blind.html>; Sherrysse L. Corrow et al., *Prosopagnosia: Current Perspectives*, 8 EYE & BRAIN 165 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5398751/>.
14. Tsoulis-Reay, *supra* note 13.
15. *Id.*
16. Corrow et al., *supra* note 13, at 166.
17. Rachel L. Swarns, *The Science Behind 'They All Look Alike to Me'*, N.Y. TIMES (Sept. 20, 2015), <https://www.nytimes.com/2015/09/20/nyregion/the-science-behind-they-all-look-alike-to-me.html>. Scientists have also proposed the label of in-group face recognition advantage. Patrick M. Chiroro et al., *Recognizing Faces Across Continents: The Effect of Within-Race Variations on the Own-Race Bias in Face Recognition*, 15 *Psychonomic Bulletin & Rev.* 1089, 1091 (2008).
18. There is some nuance to this, that the different ability to recognize faces is based on ethnicity and geography; for example, white South Africans are more able to recognize faces of other white South Africans than white Americans. Chiroro et al., *supra* note 17, at 1091.
19. Jacqueline G. Cavazos et al., *Learning Context and the Other-Race Effect: Strategies for Improving Recognition*, 157 *VISION RESEARCH* 169, 170, 176-77 (2018).
20. *Id.*

The underlying challenge: Culture and power

If pronunciation can be learned and exposure improved,²¹ the issue may really be one of culture and power. Names are difficult because law school classrooms and faculties are at once becoming more diverse and at the same time have, for years, not been diverse enough. Professors are simply, and unfortunately, more exposed to names within the dominant culture norm. Names outside the dominant culture norm are labeled as foreign, perceived as difficult, and do in fact take time and effort to learn. Culture and power may also be real factors that, while not always comfortable, we must be honest about and address, especially given that national and global disparities brought to light by the pandemic may have lasting effects on awareness of cultural identities in law school classrooms.

As an example to consider, in 2019, the white male mayor of South Bend, Indiana, announced that he would run for president.²² He had a family name originating from the Maltese language²³ that was difficult to pronounce, to the extent that it generated tongue-in-cheek questions of whether he could be taken seriously as a presidential candidate.²⁴ Despite the unfamiliarity of the name Buttigieg, when it was attached to a presidential candidate who had attended Harvard and Oxford universities and served in the military, people learned it, or attempted to. In fact, a DJ created a master clip on how to pronounce the name correctly.²⁵ Unfortunately, not everyone has the resources or power to motivate an audience in that way, particularly one student in a sea of students. However, as professors, we each have the ability to motivate ourselves to attempt to say and learn students' names, by prioritizing the task as we would prioritize attempting to say and learn the name of a serious white male presidential candidate.²⁶

21. Admittedly, this requires an investment in time and effort, which can be limited because of other demands on professors, though I would argue that learning our students' names is a fundamental aspect of our roles.
22. Barbara Sprunt et al., *'We Sent a Message': Pete Buttigieg Ends Historic Presidential Bid*, NPR (Mar. 1, 2020), <https://www.npr.org/2020/03/01/802023529/pete-buttigieg-suspends-presidential-bid>.
23. Emily Dreyfuss, *How Do You Pronounce Buttigieg? The Internet Counts the Ways*, WIRED (Mar. 23, 2019), <https://www.wired.com/story/how-to-pronounce-buttigieg/>.
24. *Id.* The author asked, "can someone be president of the United States of America if their name is this hard to pronounce?" and acknowledged too, that, "It could work out in his favor, since the difficulty of his name also makes it memorable. And once you learn how to say it, you feel invested."
25. Aaron Nemo (@aaronnemo), TWITTER (Mar. 24, 2019, 9:44 PM), <https://twitter.com/aaronnemo/status/1109994551010385920>.
26. Or a popular figure. In an interview, comedian and actor Hasan Minhaj alluded to a similar situation when he stated, "If you can pronounce Ansel Elgort, you can pronounce Hasan Minhaj." Kang, *supra* note 6.

What's the harm?

We get names wrong all the time, right? We often missed names in low-stakes, prepandemic social settings. Classrooms are not low-stake social settings; mistakes we make as faculty in the classroom can risk real harms to our institutions, ourselves, and our students. Failing to create an inclusive environment can ultimately deter diverse students from joining the institution, making it less diverse overall and creating possible economic implications. It can also silence diverse students, such as through the failure to invite them into a discussion identified by Ballakrishnen and Silver and describe above, which can negatively impact the robustness of discussions in our classrooms.

The harm to the students themselves can be most critical. A student in law school, where the barriers to entry are high, may already question her belonging because of the very structure of law school. A professor may compound that by not making the effort to learn the student's name, by asking her to change it to ease the professor's discomfort, changing it without the student's input, or ignoring the student.

All of these acts exclude and impose burdens on students. They make community members question their identities or belonging.²⁷ In fact, one computer science professor tweeted about his experience leaving academia because the inability of others to remember his name contributed to rendering him invisible through not having his work recognized; on reentering academia, he developed a "survival strategy" to combat that invisibility, in contrast to those who have "the privilege of not having to be loud in order to be heard."²⁸

These acts can also arise to being microaggressions, or insults and assaults that support structural racism and cultural hierarchy under the dominance of a majority culture²⁹ and cause actual harm to students.³⁰ They can also be self-propagating to the extent that the professor's treatment of difference in the classroom serves as a model and signal to the other students in the classroom, who then take that behavior into the profession.

So, what should we do?

The answer is simple. We need to learn our students' names. In pandemic teaching, and even in post-pandemic teaching, we can take advantage of the technology to do so, in several ways.

First, we should allow students agency to present the name they choose when participating in classes remotely. Zoom, for example, allows users to

27. Kohli & Solórzano, *supra* note 6, at 444, noting that names can have individual, cultural, familial, or historical significance.

28. Narayanan, *supra* note 6.

29. Kohli & Solórzano, *supra* note 6, at 447.

30. *Id.* at 445, noting in a study of K-12 students that while the "dominant perspective narrates that mispronouncing or changing a child's name at school is a fairly benign experience," such experiences convey that a student's background is insignificant and create lasting memories.

edit their profiles, including names.³¹ Some students prefer to be called by first names, middle names, or unofficial English names, or even to choose to use as names English nouns not commonly used by the dominant culture as names.³² Students' individual name choices are not always reflected in an official roster, but by allowing Zoom profile edits as a matter of course policy, we can allow more flexibility to students. Better still, using a teaching platform like Zoom can ease the identification problem by giving us a permanent "name card" attached to the student.

Second, we should take advantage of technology to ease both the pronunciation and identification problems. When teaching in person, I frequently ask students to introduce themselves in early classes. This semester, before my first class, I asked students to post on Canvas, a learning management system, a brief self-introduction video stating their official names, the names they would like to be called, and some information about themselves as a way to begin building connections and community in my course. The videos provided several advantages over in-person introductions. Viewing each video allowed me to listen to the name and see closely how to shape my mouth at the same time, which I found more helpful than a roster or even a phonetic spelling for the challenge of pronunciation.³³ In fact, I was able to replay students' names and practice pronouncing them before the first class, rather than learning a name based on a single introduction. Professors might use this method both during and after the pandemic to learn students' names.³⁴

Regarding the identification problem, viewing the student in the video would help a professor better identify the student than a single, possibly outdated student ID photo, especially in light of research that suggests that seeing a range of images of a person can improve one's ability to recognize the person.³⁵ Again, this might be a strategy to adopt during the pandemic to learn our students' names, then continue using after the pandemic.

Finally, we should approach learning our students' names with humility and the same growth mindset we demand of our students learning challenging

31. Zoom Help Center, *Customizing Your Profile*, <https://support.zoom.us/hc/en-us/articles/201363203-Customizing-your-Profile>.
32. Kevin Heffernan, *English Name Use by East Asians in Canada: Linguistic Pragmatics or Cultural Identity?*, 58 *NAMES* 24, 30 (2010).
33. For an example of the difficulty of phonetic spelling, compare "Boot-a-judge," "Buddha-judge," or "Boot Edge Edge" to [bʊt.ɪdʒɪːtʃ]. See Madeleine Aggeler, *Wait, Sorry, How Do You Pronounce Buttigieg?*, *THE CUT* (Mar. 25, 2019), <https://www.thecut.com/2019/03/how-to-pronounce-pete-buttigieg-name.html>; Chris Riotta, *How Do You Say Pete Buttigieg?*, *INDEPENDENT* (Feb. 7, 2020), <https://www.independent.co.uk/news/world/americas/us-election/pete-buttigieg-how-to-say-pronounce-democrat-mayor-president-2020-a9324501.html>.
34. This method may also remove the awkward scene in which a professor singles out a student and repeatedly asks for the correct pronunciation of her name in front of dozens of her peers.
35. Cavazos et al., *supra* note 19, at 177-78.

material in an out-of-classroom setting during the pandemic. Much as we avoid assuming we know a student's circumstances during the pandemic, we can avoid assuming we know the circumstances around a student's name choice. A limited knowledge of a culture on our parts, for example, does not mean we have the authority to demand a "correct" cultural pronunciation of a name rather than the student's chosen pronunciation. A Korean student from Busan, South Korea, may pronounce her name differently from a Korean-American student with the same name in Washington, D.C. In fact, some students may choose to provide Anglicized versions of their name, for various reasons, and insisting on learning the "correct" version or overpronouncing a name can otherize the student.³⁶ We can treat learning each name as its own learning experience.

Even with the best of intentions, we can get names wrong. We might trip over our biases, our physical or mental realities, our own language backgrounds, or we might just have an off day and not remember anyone's name. The solution for us remains the same—welcome our students and build community by getting to know them. When we need to, ask for their patience, flexibility, and forgiveness.

36. Punita Rice, *Why Pronouncing Students' Names Correctly is Important* (Oct. 8, 2018), <https://punitarice.com/pronouncing-names-correctly/>; see also Punita Chhabra Rice, *Pronouncing Students' Names Correctly Should Be a Big Deal*, EDUC. WEEK (Nov. 15, 2017), <https://www.edweek.org/tm/articles/2017/11/15/pronouncing-students-names-correctly-should-be-a.html>.