

FEMINIST THEORY AND FEMINIST METHOD: TRANSFORMING THE EXPERIENCE OF THE CLASSROOM

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Approaching teaching from a feminist perspective requires attention to the interrelationship of method and theory. Theory is implicit in method and, through our teaching methods, we gain insight into the meaning of theory in practice. In this article, I will describe an example of a teaching exercise that can be used in a regular classroom course that demonstrates some of the ways that feminist theory can be presented through methods that embody and reinforce some of the central aspects of the theory. The exercise is one that I have adapted from my work as a clinical teacher and I use when I teach a standard Family Law class. In this exercise, I bring someone into the class to play a client. Before the “client” comes in, I give my students the law that applies to the situation, as well as materials about the institutions that are related to the functioning of the law. The goal of the exercise is not primarily to explore the relationship between lawyer and client—that goal can be achieved better in other educational settings, such as in a clinical course,¹—but to enable students to look at legal doctrine, legal institutions, legal alternatives and the theoretical assumptions embodied in the law in the context of a real person’s life. In addition, through an exercise such as this, students can see themselves as actors in identifying the

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1. In a large setting, it’s problematic to examine the interactions that are critical parts of the lawyer-client relationships because it is difficult with so many students to find ways to address the relationship between the skills of lawyering and the students’ understanding of various aspects of legal theory and legal rules. In order to examine how the skills of lawyering are connected to both theoretical understanding and doctrinal proficiency requires smaller classes in which the teacher can pay close attention to all aspects of the student’s behavior as a lawyer, as well as the student’s insights into the relationship between the activity of the lawyer and the role of the law and legal institutions in a client’s life. In a large class I would only touch on the questions related to the particulars of the lawyer-client relationship and would explain where in the law school curriculum they would be able to examine these questions in more depth and with greater sophistication.

intersection of theory, doctrine, and institutions with the life of a particular person.

In my Family Law class, I have someone play the role of a woman who has been abused by her partner.² Before the class interacts with the “client”, small groups of students meet for about five to ten minutes to discuss the materials about the legal framework and institutional structure regarding domestic violence with which I have provided them prior to class. In each country or separate jurisdiction within a country, this legal framework will look somewhat different. There might be applicable criminal, civil and family law. Within different legal cultures with varying legal traditions, in different countries or within different parts of the same country, there will be different legal and non-legal institutions that are involved in a situation of domestic violence. In these discussions, the students are to explicate their understanding of the law and institutional framework to each other and to identify the ways that their knowledge of the law and legal institutions matter in their upcoming interaction with the “client”.

The dynamics of the discussions in the small groups present several important aspects of feminist pedagogy. In the small groups, people often get very engaged in the discussion. They are actual participants in the explication of knowledge, rather than passive recipients or vicarious observers. As a teaching technique, this engagement is very powerful because it enables the students to begin to make legal knowledge part of their own personal understanding of the material, which they are about to use in an actual interaction. Also, the groups place students in a position of some authority. Each has responsibility for explaining to the others the meaning and significance of the material they have been given and each is responsible for figuring out how their knowledge will affect their communication with a “client”. All the authority is not in the front of the class. This shift in authority is both risky and productive for a woman teacher, particularly one who identifies herself as a feminist. Not only does the teacher relinquish, at least in the short term, the trappings of authority, but the teacher also confronts a chaotic situation in the classroom. The teacher must then have techniques that capture the creative energy unleashed by the small groups and not let it dissipate in random dialogue among the students. The

2. Currently, violence serves as a common entry point into difficult discussions about gender and power in the family. Other issues that arise in family law, such as the role of the institution of marriage, could also provide an entry point into an analysis of gender relationships within the family.