

# 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,<sup>1</sup>—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.<sup>2</sup> 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

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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.

diffusion of authority can be very affirming for the students, and also ultimately affirming for the teacher, if she is able to communicate to the students a confidence that is reflected in her willingness to share authority. When the teacher can devise a way to enable the students to express and explore their own critical understanding of the meaning and consequences of a subject, the students can see themselves as active participants in shaping the contours of the legal world and not just technicians who operate within the fixed realm of legal authority. In addition, in small groups, students are often able to speak about the law in language that does not feel as foreign as the language often expected in more formal classroom settings. In this setting, using legal terminology that is new to them is not the central task. Rather they must explain what the law means in language that is more familiar and closer to the language of daily life.

Following these small group discussions, the students are placed in the role of a lawyer that a woman who has been abused comes to for help. They have the opportunity to ask her questions that they might ask in an interview of a client. The "client" is in the classroom, and the students need to figure out what her problem is, what she wants, what actions they could take, what she wants them to do in light of the various possibilities and what they are going to do. I have one student begin asking the "client" questions and then move from one questioner to another. Sometimes students jump from one line of questioning to another. Other times they follow up on a line of questioning begun by a prior student.

I use the questions that the students have asked the "client" to create a dialogue between the student who has asked a particular question and other students in the class. I ask what people think about a particular question. By asking what assumptions are built into a question, I can get the students to examine the assumptions that are built into the doctrine. One can see in the assumptions built into a question the assumptions implicit in the very abstract and theoretical doctrinal issues concerning domestic violence. The exercise becomes an accessible way for the students both to think about doctrinal questions and to develop a critical perspective on those questions based in the experiences of a woman. In addition, I use the questions the students have asked to engage in analysis of legal and social institutions. The questions also serve as a beginning point for viewing the law from the perspective of the experience from a woman and to consider the law's impact on webs of relationships within families and within communities.

Based on the students' questioning, I can take the discussion in many, many directions. I can pursue issues concerning the available

legal remedies. I can have the students examine the barriers to effective use by this particular woman and other women, perhaps situated in different ways, of those legal remedies. I can explore alternatives to legal remedies and address the privileging of legal remedies over non-legal remedies. The class can discuss the relationship of legal institutions to other institutions, such as the police and hospitals. I can introduce questions about how to identify and secure evidence, as well as how assumptions about gender can affect the views of what constitutes necessary and sufficient evidence to establish a legal claim. I can encourage the students to question whether the lawyer's concerns matter to this particular person. If the "client" is a law student, the students can ponder how they themselves or their friends and classmates may have experienced violence themselves in their own families. Similarly, if the "client" expresses hesitancy about taking any action at all, the students can explore the theoretical and practical conflicts that arise when a lawyer has identified legal mechanisms for enforcing rights that the lawyer believes will provide some protection for the woman, but which do not correspond to the way the woman views her own life or her relationships. In this particular, concrete situation, the students need to confront not only a conflict between a lawyer and a client, but also one of the fundamental debates within feminist theory concerning the appropriate roles for the state and for individual women in addressing domestic violence.

This exercise creates a situation in which the students do not have to state the law, but rather need to take their understanding of the law and translate it into questions to ask a non-lawyer. Because the questions need to be rooted in their understanding of the law's requirements, as well as its possibilities and limitations, the students are actively involved in shaping their own understanding of the law. When they are able to use the language that is spoken between lawyer and non-lawyer, they are forced to transform the specialized and technical terms of the law into ordinary language. This process often demands that the students master, not only the jargon of the law, but also its underlying meaning. In addition, this exercise achieves some of the same goals as the technique of dividing students into small groups because, in this setting, students are not asked to perform in the standard academic manner. Many are often freed to communicate an understanding that they may be inhibited from expressing in a more traditional context. Invariably, virtually all of the students get caught up in the role of helping the "client", and, therefore, many of them who have difficulty talking in the traditional classroom can speak. Often, women flourish in this new context and

gain confidence, which enables them to function more effectively in more standard academic situations.

These methods provide us with some examples of ways to teach feminist theory that embody important aspects of feminism. They place the law in the context of broader societal dynamics. They convey the message that feminist theory needs to be grounded in the lived experiences of women. They disrupt traditional dynamics of power and authority. They are focused on creating experiences that make the law not an abstract, fixed body of knowledge, but a dynamic force that women are capable of shaping through their own actions and ideas. Our teaching of feminist theory will be most powerful and effective when the messages of our method are consistent with the messages of our theory.

