

WHAT FEMINIST PEDAGOGY HAS WROUGHT

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I was going to give a talk today in honor of Elizabeth Schneider's book,¹ and her birthday, called *Feminist Pedagogy: A Celebration of the Death of the Socratic Method*. Since we are now at the end of this remarkable day and there are only a few minutes remaining, I will instead tell you very briefly, from the vantage point of twenty-eight years of law school teaching, my reactions to what I have heard today.

As the day progressed, and I listened to each of your papers, I was struck more and more by the realization that you are part of a revolution in legal education. When I began teaching in 1973—no, twenty years before that—when I went to law school, what you are doing now was unimaginable. Legal education, in mid-century, in the huge majority of law schools, comprised studying and parsing appellate decisions. A law school class consisted of an authoritarian male in the front of the classroom who led us, the poor hapless students, overwhelmingly male, through a series of questions, usually focused on one student, guiding us to the one right answer. We might be lucky enough to guess the answer. But the professor was the only one who *knew* it. Thus he (it was always a he) demonstrated how, in his all-wise and all-knowing authority he guided us on the right path to the right answer through the exercise of pure reason.

In her book, Liz Schneider describes the model of pedagogy that she, with the assistance of Sarah Buel, initiated in her course on battered women at *Harvard Law School* in 1991.² That course, and the ones all of you teach, are the revolution. The thought that one could teach law as a process of fostering social change and even more radically, change in the lives of women, was a totally foreign notion

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1. ELIZABETH SCHNEIDER, *BATTERED WOMEN AND FEMINIST LAWMAKING* (2000).

2. *See id.* at 214-15, 297 n.6.

several decades ago. Significantly, in my view, none of you has spent any time discussing your pedagogical method. That is simply not an issue for you anymore. This is what you do and how you do it. One powerful way is you tell stories. Brenda Smith gave us a wonderful example of feminist pedagogy.³ I would guess that we will all remember her story long after we have forgotten everything else that has been said here.

Your work representing battered women and teaching your students how to best represent them is changing the law, as Liz did in the 1970s in *State v. Wanrow*.⁴

You are also changing the culture of law schools as well as the larger culture.

When I listened to Jody Raphael's presentation, I was really quite depressed and discouraged.⁵ Then I thought about this change that I have witnessed and realized there is hope. Change does happen. All of you are the evidence of that.

And when the day comes when our male colleagues stop calling feminists' courses "soft" law and their own courses "hard" law—which they do with nary a glimmer of self consciousness or awareness of the sexual connotation—then we will have in fact revolutionized the law schools.⁶ I have, however, no sense that this, or any other similar characterization of your work, affects your consciousness of what you are doing or achieving, or what you are fighting for or about. Okay. That's their problem.

I wanted to tell you that I am walking on cloud nine after listening to all of you. I want to congratulate you and tell you that you have brought a message of hope.

3. See Brenda V. Smith, *Battering, Forgiveness and Redemption*, 11 AM. U. J. GENDER SOC. POL'Y & L. 921 (2003).

4. 588 P.2d 1320 (Wash. 1978); see also SCHNEIDER, *supra* note 1, at 30-32 (noting that Liz and her co-counsel persuaded the court to apply a reasonable woman standard in their self defense plea for a woman defendant who perceived the decedent as threatening her life).

5. See Jody Raphael, *Battering Through the Lens of Class*, 11 AM. U. J. GENDER SOC. POL'Y & L. 367 (2003).

6. I am also reminded of the Emily Dickinson line "What soft, cherubic creatures These gentlewomen are!" POEMS BY EMILY DICKINSON 58 (Martha Dickinson Bianchi & Alfred Leete Hampson eds., 1957).