

Study on Feminist Approaches to Revolutionize the Field of Legal Education

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Abstract: *Feminists aimed to achieve significant changes as women assumed roles as students, instructors, and administrators in the legal academia. The triumphs of feminists in gaining entry to institutions marked the initial stage, rather than the ultimate goal. Feminists initiated the establishment of communities and venues for gathering and cooperating. Through their teaching, writing, and activism, they questioned fundamental doctrinal principles, problematic legal regulations, and inefficient instructional approaches. Feminist action commences by fostering a sense of community and facilitating the exchange of experiences within the tradition of expanding consciousness. The initial representation of women in law schools was characterized by a complex interplay of presence and absence. Women encountered a combination of heightened scrutiny and complete invisibility, which was rarely observed but consistently prominent.*

Keywords: Feminists

I. INTRODUCTION

Overview: Establishing Feminist Environments and Fostering Feminist Ensembles

During the 1960s, feminist legal teachers initiated the establishment of forums for engaging in conversations, fostering community, conducting scholarly research, and promoting activism. These spaces exhibited a higher degree of inclusivity compared to the mainstream and non-hierarchical spaces, thereby incorporating feminist principles into both the methodology and implementation of feminism. This mobilization also facilitated the engagement of faculty members in scholarly conversations and activism, extending beyond the confines of the law school. During the latter part of the 1960s, a cohort of researchers from New York convened a Women and

The purpose of the Law Conference is to deliberate on subjects including family law, criminal law, laws pertaining to discrimination, reproductive rights, and constitutional law. Substantial areas such as sexual harassment, rape, domestic violence, employment, family law, and reproductive rights were the focal points of law reform endeavors. The implementation of these public feminist reforms unavoidably revolutionized the process of learning within the classroom. As an illustration, the implementation of revisions to rape legislation prompted instructors to reconsider the inclusion of the concept inside the law school curriculum.

The publication of casebooks on Women and the Law and Sex-Based Discrimination was initiated by pioneering researchers. These materials, originating from academic faculty communities, provided students with the chance to engage in specialized study and foster a sense of community. As time progressed, the inclusion of specialized survey classes resulted in the development of courses such as Feminist Jurisprudence, which introduced a feminist methodological perspective.

The emergence of influential feminist venues and academic resources has prompted inquiries into the scalability and transferability of feminist methodologies within specific contexts and educational programs. Did specialist courses and programs pose risks of marginalizing women's issues, thereby reinforcing the notion of law's neutrality in the broader law school curriculum? Catharine MacKinnon and her peers advocated for the continuation of these courses, advocating for the integration of gender concerns into legal school.

Feminism necessitated a comprehensive overhaul of the curriculum, rather than being addressed in isolated sections of courses or publications. The inclusion of courses on Women and the Law, Sex-Discrimination, and Feminist Jurisprudence in the curriculum has endured over time, despite the feminist movement's efforts to question prevailing assumptions and conventions in legal education.

Questioning the fundamental assumptions that form the basis of law and legal education

Feminist scholars advocated for a paradigm shift in the field of legal education, challenging its underlying assumptions, ideas, and methodologies. The individuals opposed the "add woman and stir" paradigm and declined to confine feminism to a "narrow, one-dimensional, one-note, geographically limited, thin set of problems, questions, and people." Instead, they questioned the implicit assumptions that influenced legal education and the law itself.

Feminists contested the idea that established legal regulations were "given, fixed, and nearly unchangeable." They specifically questioned the idea that a gender-neutral individual is the central focus of the law, for whom the laws are written and the system is created. Feminists argued that this perceived neutrality made gender inconspicuous, while simultaneously promoting a system based on privileged male standards.

Feminists contested the one-way transmission of information by teachers through impartial deliberation. The method of teaching with appellate cases was questioned due to its potential to distort factual context and legal strategy. Feminists joined forces with other critical societies to question the fundamental principles and teaching methods of legal education. The convergence of Critical Legal Studies and feminist pedagogies aimed to deconstruct the hierarchical structures within law schools. The invisibility of race and gender in law has been brought to light by critical race theorists and critical race feminists. From an implicit White male standpoint, the concept of whiteness and masculinity was established as the standard, leading to the implementation of a "race-based system of rights and privileges."

Feminist changes would subsequently align with the demands of the LatCrit Community and Queer Theorists, who advocated for the rights and well-being of the Latinx community and the LGBTQI community, respectively. These communities had their own hardships, subjugations, and exclusions that they perceived as amplified and intensified in the teaching methods of legal education and in the legal field. Collectively, these critical viewpoints converged in advocating for reforms in both law and education, with the aim of revealing and challenging implicit hierarchies present within the legal system and its institutions.

Examining the Gender-Based Negative Effects of Law and Debunking Misconceptions

The feminist movement not only challenged the fundamental doctrinal standards of law and legal scholarship. Furthermore, they revealed the detrimental effects that these norms inflicted. The perpetuation of gendered stereotypes and the marginalization of women were facilitated by the existence of false dichotomies such as rational-irrational, public-private, and intellectual-emotional.

Dominance feminists specifically scrutinized the impartiality and objectivity of the legal system, as well as the inherent division between public and private spheres, as the primary cause of women's subordinate status. The feminist perspective, which holds dominance, argues that the objective, rational, and neutral nature of the law is defective and distorting. Women are harmed and their credibility is undermined by male patriarchal rules that present themselves as normal and impartial. For instance, norms that are supposed to be impartial, such as the "reasonable person" in tort law, are based on the male wage-earning authority. This framework undermines women's claims and reduces their ability to recover damages.

Women of race experience these harms to a greater extent. The "perspectiveless" approach of law school marginalizes individuals from diverse racial backgrounds. The assertion that it lacks specific ethnic, political, or socioeconomic traits undermines the validity of any particular viewpoint. This framing compels students of color to relinquish their identities and instead embrace a perspective that is inherently influenced by a White, middle class worldview. Students from marginalized racial backgrounds are compelled to offer minority "testimony" in order to contest the prevailing norms. When students of color express their experiences, they are often seen as expressing "biased, self-interested, or subjective opinions," which leads to a complex issue of being both objectified and subjected. Mari Matsuda refers to this fluctuation between a student's personal awareness and the societal expectations of whiteness that are necessary for success in prestigious educational institutions as "multiple consciousness."

Integrating the values, experiences, and perspectives of women

Feminists endeavored to incorporate women's viewpoints and experiences into the study of law by redefining the delivery of legal education. Various branches of feminist thought have examined the marginalization of values traditionally linked to women in legal education and emphasized the necessity for instructional focus. This development represented a significant shift in pedagogy, moving away from the goal of integrating women into law schools and instead focusing on aligning the culture of legal education with the learning patterns of women.

In the past, law school academic programs placed limited importance on the development of practical lawyering skills, such as problem-solving abilities and client counseling. Legal education has historically placed a strong emphasis on competition and individualism. Law schools incentivized students to present arguments from any perspective without fostering empathy or connection to either side of the case, resulting in a type of enthusiasm that hinders rather than enlightens. This approach limited the range of conversations and repressed criticisms regarding the gender and race implications of rules and arguments. Feminist scholars advocated for a shift away from abstract exchanges focused on doctrinal analysis, towards a greater emphasis on feedback, conversation, and simulations that are rooted in client-centered lawyering.

Divergent feminism espouses a relational ethical framework that prioritizes caring, emphasizing the significance of collaboration, community, and cooperation as fundamental principles within the realm of law, surpassing mere abstraction and competitiveness. Carol Gilligan prominently elucidated how women's perspectives on justice exemplified a care-oriented ethic that revolved around the specific circumstances and interpersonal connections. The incorporation of women's learning styles into the design of law schools will effectively prioritize the integration of "care, context, cooperation, and relationships" within the realm of law education and professional practice. Feminists fought for the enhancement of participative, inclusive, and non-hierarchical law classes, extending beyond those only focused on gender. It is possible for all educational settings to adopt a shared leadership model that places importance on personal experience as a legitimate kind of knowledge.

Appreciating these interpersonal abilities could potentially enhance the caliber, comprehensiveness, and scope of legal practice. Cultural methods have the potential to revolutionize the legal profession by reevaluating established gender-neutral barriers that have hindered women's advancement, such as the imposition of billable hour requirements and the lack of family leave. The fundamental principles inside the legal system, such as Cultural feminists advocated for a shift towards relational norms in law, prioritizing the protection of individual rights and privacy over connections and community.

However, it should be noted that not all feminists embraced a cultural feminist agenda. One crucial criticism of relational techniques pertains to the absence of a universally applicable methodology or learning style that encompasses all women. To propose otherwise is to disregard the abundant differences among various cultures, social classes, races, age groups, and sexual orientations. The adoption of a "women's perspective" carries the potential of succumbing to a form of essentialism that disregards diversity, favors dominant viewpoints, and perpetuates restrictive power structures, so reiterating the very issues that feminists aimed to address. However, feminists may generally concur on the necessity of broadening the range of abilities and values that have traditionally been esteemed in legal education. Feminists united in their desire to transcend a framework created by and for men, notwithstanding their divergent views on which framework most effectively addressed the criticisms.

The Evolution of Legal Education Influenced by Feminism and the Postponement of Revolution

Over the course of several decades, feminists have formulated an ambitious pedagogical perspective for legal education. Numerous enduring transformations have been attained by feminist reforms. Feminists successfully overcame obstacles by obtaining legal education and ascending to the top positions within the field. Numerous lawyers have received training in feminist theory and methodology through specialized seminars and materials. Feminists have also established and maintained valuable gathering places to address problems related to the structure and content of legal education and the legal system. Over the course of several decades, there has been a persistent and pronounced trajectory of feminist advancement, characterized by varying degrees of intensity and pace.

The legal profession continues to be afflicted by bias, prejudice, and harassment, despite the evolving nature and emergence of these problems. Various words have been coined to delineate these detrimental effects, including microaggressions, mansplaining, hepeating, sidelining, whitesplaining, tokenism, and other related concepts. In 2016, the American Bar Association (ABA) introduced a new section to its regulations regarding professional responsibility. This section prohibits attorneys from participating in actions that they are aware or reasonably should be aware constitute harassment or discrimination based on race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status, or socioeconomic status in relation to the practice of law. This development signifies an acknowledgment of the enduring presence of such bias, a significant commitment to promoting equality, and a practical approach to upholding these norms.

Although visible demonstrations of prejudice in legal education teaching methods, such as "Ladies Day," have stopped, instances of harassment and predatory conduct persist in law schools, but in more covert and deeply rooted ways that are challenging to detect. Similar to how the "Shitty Men" list sparked the #MeToo movement in the media, a list has also surfaced that provides a comprehensive account of sexual misconduct committed by university staff. The #MeToo movement brought to light numerous instances of enduring systematic sexual harassment within the realm of law education. The persistent and intricate problems of harassment, bullying, and incivility pose significant challenges for women of color in the field of legal education.

In order to conduct a comprehensive evaluation of the impact of feminism on legal education and the legal profession, it is imperative to recognize the persistent efforts required for white women to actively participate in substantial, enduring, and substantial endeavors towards inclusivity. Feminists of color have urged white women to abandon behaviors of "defensiveness and emotional manipulation" and strive to recognize and address the profound involvement of White women in the narrative of oppression. White feminists cannot afford to neglect this arduous task.

Feminism has brought about a transformative shift that is progressive rather than revolutionary. However, it is important to note that no reforms have completely transformed law school. The formidable forces of competition and regulatory constraints impede transformative reforms in manners that sustain the existing state of affairs, even in cases where the status quo proves to be ineffectual and detrimental. The latest accreditation adjustments implemented by the ABA serve as evidence of both change and inertia. The implementation of these reforms in legal education was long overdue, after the accreditation reform in other fields in recent decades. The traditional approach of instructing subject matter and assessing students' knowledge at the conclusion was antiquated and inefficient. These reforms compel law schools to update their curriculum in order to adequately equip students for professional practice. Law schools are now required to establish objectives for precise learning outcomes, collect data on students' progress towards those targeted learning outcomes, and strive to enhance student learning towards proficiency.

Despite decades of feminist agitation highlighting the ineffectiveness of traditional teaching methods for women and students of color, law schools have continued to employ similar methods for assessing outcomes and competence. The American Bar Association (ABA) has openly recognized, through its recent revisions, that the conventional legal education curriculum, which focuses on cultivating a lawyer-like mindset among students, continues to hold a prominent position in J.D. Applications. The implementation of the new standards necessitates that law schools modify their curriculum in the event that learning outcomes are not achieved. However, it is uncertain if law schools will actively engage in more profound pedagogical transformations to attain equitable and inclusive outcomes.

The occurrence of transformative change in legal education cannot be confined to peripheral areas. The occurrence should take place inside the core framework of the curriculum. This entails the reimagining of Socratic style classes, necessitating the implementation of substantial, long-lasting, and uniform training, support, and responsibility for faculty members to foster inclusive learning environments. The Covid-19 pandemic has placed significant pressures on faculty members, necessitating their ability to undergo change and adapt in ways that were before deemed inconceivable. Schools have been equipped with trainings, infrastructure, and collaborative efforts to enhance teaching and evaluation methods in order to provide support to pupils. The faculty was well aware that our kids required Schools and educators were required to effectively address the challenge and generate a product that demonstrated adaptability and responsiveness. A "growth-mindset" was adopted by the faculty in relation to technology, teaching practices, and assessment systems. Similarly, we require a comparable period of contemplation, communal engagement, and cooperation in enduring inclusive teaching methodologies.

Conclusion

For decades, feminists have scrutinized and exerted influence on legal education. Feminism has had significant advancements, but its objective remains incomplete. Emerging obstacles arise in the pursuit of advancement, including contemporary opposition to critical thinkers and inequities and interruptions caused by COVID-19. The worldwide Covid-19 outbreak offers a contradictory chance to propel the feminist agenda. Covid-19 disrupted numerous established conventions in legal education, encompassing the methods of delivering legal education and the process of obtaining professional licensure. Within the context of these upheavals and weaknesses, there exists a sense of hope and potential for growth. This chapter elucidates numerous justifications for commemorating the achievements of our

female trailblazers and advocates. Furthermore, it functions as a crucial appeal to contemporary academics, administrators, and students to continue the task with a vigilant intention and unwavering resolve.

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