

# Study on Impact of Feminist Pedagogy in Legal Education

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**Abstract:** *Feminism has exerted a significant impact on legal education for over a century through active and critical involvement. However, the feminist agenda is still incomplete as it adjusts to combat contemporary expressions of long-standing obstacles. This chapter undertakes an examination and assessment of the impacts of feminism on the field of legal education. This text examines the ways in which feminist criticisms have questioned the essence of legal regulations, the approaches to teaching law, and the prevailing culture of legal education. After several decades of activism, feminist pedagogical reforms have resulted in the emergence of novel areas, courses, laws, leaders, and locations dedicated to feminist principles.*

*This paper additionally explores the incomplete aim of feminism within the realm of legal education. Although significant transformations have persisted and thrived, contemporary legal education bears more resemblance than divergence to law school a century ago.*

**Keywords:** Feminist pedagogy, law school, legal education

## I. INTRODUCTION

The legal education system is predominantly standardized, with little opportunities for soft innovation and differentiation among schools. The Socratic technique continues to cultivate a classroom environment that is competitive, confrontational, and marginalizing. Female faculty members continue to experience a disproportionate burden due to their service obligations, caregiving responsibilities both in the office and at home, as well as biases in the processes of hiring, promotion, and evaluation. The doctrinal domains of inquiry and hierarchical structures within law school establishments persist in favoring a conventional framework of legal instruction that was constructed by and for male individuals.

The limitations of the feminist legal education revolution can be attributed, in part, to the inability of law schools to independently adapt and reform. They engage in interactions with influential institutions, systems, and norms. Legal education is significantly influenced by the legal profession, law school accreditors, and regulators. In light of the preparation of lawyers for the bar test and the contemporary legal profession within a competitive and regulated market, it is imperative for law schools to address the external and linked factors that necessitate the feminist agenda to scrutinize broader structural transformations in order to achieve enduring improvements.

### The Initial Feminist Endeavours: Facilitating Legal Education Access

Initial liberal feminist campaigning primarily aimed to eliminate institutional obstacles to law education and the entrance process for the bar. In 1869, the University of Iowa and Washington University in St. Louis were the pioneering institutions to grant admission to women in the field of law. Subsequently, in 1870, the University of Michigan followed suit. Although the idea of educating women attorneys was deemed radical during that period, the concept of formal legal education was a recent development. The majority of attorneys during that period received training through apprenticeships; however, these opportunities were either inaccessible to women or limited to areas like as family law.

The Washington College of Law ("WCL") was established in Washington, D.C. in 1896 by Ellen Spencer Mussey and Emma Gillett, marking a significant milestone in history. with the aim of providing education to female lawyers. WCL implemented distinctive structural safeguards to assist its female students, including nocturnal classes, affordable

tuition, and the provision of a pseudonym for one student to safeguard her anonymity. However, in addition to the extreme action of pursuing legitimacy as a legislation controlled by women

The legal education methodology of the school for women students was strictly conventional. Despite being a legal school specifically catering to women, the radical nature of Mussey and Gillett's nascent feminist institution was significantly diminished due to the prolonged exclusion of African-Americans for an additional half-century.

Women in the legal profession encountered numerous obstacles, with entry to law school being just one of them. During a time when women were prohibited from voting or serving on juries, it was customary for local bar societies to engage in the exclusion of women. Mussey and Gillett established the D.C. due to these external obstacles. The establishment of the Women's Bar Association in 1917 served as a significant precursor to the external efforts that feminists would have to undertake in order to promote the progress of women in law schools.

Notwithstanding these initial trailblazers in institutions, numerous law schools shown resistance towards admitting women until the 20th century. Women law students were not admitted to Harvard until 1950, and to Washington & Lee until 1972. The rate of women's law school admissions remained consistently low for several decades, standing at a mere 6.35% in 1972.

In 2016, legal education reached a significant milestone as the number of women pursuing legal education surpassed that of men, a feat that has persisted for a duration of four years. However, the national statistics reveal a less optimistic outlook, since women are overrepresented in specific law schools, particularly those with lower rankings, and continue to fall far below the 50 percent threshold in numerous other institutions.

The experiences of women of color in law school are characterized by their complexity and multidimensionality. Currently, the proportion of law students belonging to racial and ethnic minority groups stands at 31%, indicating a consistent and upward trend when considering the overall data. When further analyzed based on gender, ethnicity, and area, these aggregate figures fail to reveal significant disparities. far, the number of women of color is far higher than that of men of color. The enrollment of black women is twice as high as that of black males. Enrollment rates for African-American/Black students have exhibited a consistent decline over a span of four consecutive years, despite the concurrent increase in the overall population of students from diverse racial backgrounds. When analyzing the data by race and location, the overall numbers reveal significant disparities. States like Texas, Arizona, California, Florida, and Hawaii have enrollment percentages that are closer to 45%, while other states have rates ranging from 10% to 20%. Women of color, despite their statistical superiority, report a higher number of unpleasant experiences in law school compared to their male counterparts, as indicated by their overall satisfaction. Women from diverse racial backgrounds exhibit a higher likelihood of considering withdrawal from law school in comparison to other student groups, and the attrition rates for students from diverse racial backgrounds are actually disproportionately elevated.

The improvements made in law school have not been maintained throughout the legal profession, indicating concerns about fairness in terms of career progression and retention. Women, particularly women belonging to racial and ethnic minority groups, continue to experience significant underrepresentation. Law practitioners, law faculty members, law school administrators, the judiciary, and authors of law reviews are all included in this representation.

The proportion of female faculty members has significantly increased throughout the years. In the year 1977, the number of female law professors across the country amounted to 391, representing around 8.6% of the total tenure and tenure-track faculty. The percentage had experienced a twofold increase to 15.9% by the mid-1980s. Currently, women make up over 40% of the faculty in law schools, while faculty members from diverse racial backgrounds make up 16.7% of the faculty. These figures indicate significant progress in the overall trend. There continues to be a significant lack of representation of women of color, particularly in the tenure/tenure-track positions. In 2009, when these figures were last disclosed, the representation of women of color in law faculty was only 7%. Upon closer examination of aggregate figures, it becomes evident that there are deeply ingrained hierarchies and segmentation.

Female faculty members tend to hold positions of lower rank and receive lower salaries, whilst their male counterparts tend to have full professorships at more esteemed educational institutions. Female faculty members bear a disproportionate burden of institutional care and support, sometimes referred to as the school's "housework." The contradiction of increased workload for diminished status is particularly pronounced for women belonging to racial and ethnic minority groups. These disparate advancements indicate the unresolved matters of even a progressive female agenda.

Furthermore, there has been an increase in the number of women in leadership positions, alongside the development in the representation of law students and professors. As of April 2018, 31% of member institutions of the American Association of Law institutions (AALS) had female deans, with 6.7% of them being women of color. However, meticulous observers approach these figures with caution due to their potential for long-term forecasting capabilities. Doubters note that the increase in female deans has corresponded with nationwide reductions in law school funding, falls in admissions, and difficulties in finding employment.

Notwithstanding their historical importance, all of these advancements continue to be accompanied by challenges, susceptibility, and division. There are still significant challenges to maintain the progress made by women in obtaining legal education and entering the legal field. The worldwide COVID-19 pandemic serves as a reminder to feminists of the importance of safeguarding historical achievements and highlights a significant turning point in legal education that can propel the feminist movement forward, as examined in the following analysis.

Although the liberal feminist agenda achieved positive outcomes in terms of women's representation in leadership positions and the Dean's Suite of law schools, its impact on the integration of women into the curriculum was limited. Paradoxically, following centuries of women's marginalization due to perceived distinctions from men, upon their acceptance, women were considered to possess same characteristics. Sexism, tokenism, and sexual harassment were experienced by women. The first presence of women in law school required them to conform to the academic process rather than questioning its direction. Consequently, feminists encountered the subsequent task of reforming legal education, drawing inspiration from feminist educational changes in other fields.

### **The establishment of a feminist pedagogy**

Prior to the implementation of legal education reforms, feminist educators actively contested the prevailing masculinist approaches that held sway across all academic fields, thereby establishing dedicated platforms for the examination of sex and gender. The emergence of women's studies courses and programs occurred during the late 1960s and 1970s as an independent academic field of study. These courses and programs drew upon feminist methodologies and focused on the examination of women's lives and experiences. They critically questioned the construction of gender, scrutinized systems of privilege and power, and explored the interconnectedness of gender, race, sexual orientation, class, and disability. The proliferation of these courses, resources, and programs experienced significant growth, coinciding with the emergence of feminist periodicals and a feminist press.

Women's Studies programs and courses fundamentally altered the content and organization of education by reorganizing classrooms, reimagining assignments, and addressing power disparities. The faculty members in women's studies classes aimed to establish environments that were characterized by nonauthoritarianism and egalitarianism, wherein no single voice exerted dominance over the debate. This approach aimed to cultivate a spirit of collaboration rather than rivalry.

Early Women's Studies departments encountered difficulties in navigating and assimilating with the predominantly unchanged power dynamics of the broader institution, a predicament that feminist law faculty would subsequently confront. Furthermore, these programs had challenges in adequately representing the perspectives of women of color, lesbian women, and women who do not conform to the traditional gender norms of cisgender heterosexual white able-bodied women who were often the founders and directors of these programs.

Gradually, specialist classes for women expanded to include the humanities and social sciences, with a significant presence of women instructors. Subsequently, these courses expanded to include the arts, sciences, and professional sectors. These courses aimed to tackle the widespread lack of representation and visibility of women in important disciplines, frequently relegating them to a secondary or secondary position, positioned as an anomaly within the field as a whole.

## **II. CONCLUSION**

The introduction of new courses and specialized content has had a significant impact on the way material is taught in many fields. This has led to a transformation in teaching methods that have both favored and excluded certain groups. Feminist education has increasingly emphasized the importance of considering diverse perspectives, valuing all voices, contextualizing experiences, and reorienting domains away from the concept of a singular, objective reality. This shift

has been observed throughout various academic fields. Feminist pedagogy also aimed to facilitate learning in order to bring about significant societal changes through active engagement.

It is important to note that the ideas of feminist education extend beyond the specific objective of promoting the progress of women. Instead, they have the potential to enhance the educational experiences of both individuals and communities. These feminist teaching methods subsequently became established in legal education. These circumstances were particularly pronounced for women of color, who expressed a sense of being both highly visible and overlooked. Community-building has been and continues to be an essential element of feminist legal education pedagogy.

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