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Report of the Women and the Law Project: Gender Bias and the Law School Curriculum

Ann Shalleck

For the last four years, the Women and the Law Project at American University's Washington College of Law has convened annual workshops on the treatment of women's rights in the law school curriculum. The Washington College of Law initiated the project as a way of giving expression to its unique historical roots. The law school was founded in 1896 by two women intent on making legal education available to other women at a time most law schools denied them admission. The Women and the Law Project also had a vacuum to fill when it started in 1984—twelve years had passed since a formal meeting of legal educators had last addressed the treatment of women's issues in the law school curriculum.¹

1985 Program: Women and the Law Courses

Designed to reexamine courses in women and the law, the project's first workshop, "Teaching Women and the Law: Our Perspectives and Our Practices," met in January 1985. Panelists from almost fifty schools addressed subjects such as the structuring of the basic course in women and the law, perspectives on women's rights, and the relationship of the course to the rest of the curriculum. To assist law teachers and students in designing or redesigning their basic course in women and the law, the project compiled and distributed syllabi from courses taught by the participants.

Two developments have emerged from the recognition that teachers of women and law courses must reteach much of the law school curriculum in order to address the many ways the law affects women's lives: the creation

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1. The AALS held a symposium on women and the law school curriculum at New York University in 1972. At that time, neither of the two textbooks subsequently published on women and the law were completed. Kenneth Davidson, Ruth Bader Ginsburg & Herma Hill Kay, *Text Cases and Materials on Sex-Based Discrimination*, 1st ed., (St. Paul, Minn., 1974); Barbara Allen Babcock, Ann E. Freedman, Eleanor Holmes Norton & Susan C. Ross, *Sex Discrimination and the Law, Causes and Remedies* (Boston, 1973). See also Herma Hill Kay, *Text Cases and Materials on Sex-Based Discrimination*, 2d ed., (St. Paul, Minn., 1981).

of more advanced or specialized courses (for example, courses focusing on women's history and feminist jurisprudence and clinics focusing on women's issues) and pressure for change in the rest of the curriculum (rather than relying on women and the law courses to remedy the invisibility of women in the material presented in other courses).

1986 Program: The First-Year Curriculum

The concern with broad curricular changes provided the focus for the 1986 workshop, "Integrating Issues Concerning Women into the First-Year Curriculum." Because the first-year curriculum is commonly seen as the core of legal education, the workshop focused on ways of integrating into it issues concerning women. Three working groups of approximately twenty-five participants each focused on how to make women's experience a fundamental part of teaching contracts, property, or torts. Noting the scarcity of materials designed to raise gender-related issues in first-year courses,² participants felt that many of their colleagues would be receptive to change once the implicit biases of the material in the standard curriculum were identified and ways to remedy the deficiencies were provided.

1987 Program: Assessing Progress

The next workshop, "Women's Rights and the Law School Curriculum: Assessing Progress and Planning for More," brought together people active in efforts to change the curriculum. Many signs of progress were noted: the Women in Legal Education section of the AALS had presented a number of programs at its professional development workshops and at AALS annual meetings on women's issues in the law school curriculum;³ the Society of American Law Teachers had sponsored a panel at the 1986 AALS Annual Meeting on "Racism, Sexism and Heterosexism"; women faculty and students at Yale had obtained a grant to study gender and the law school experience; the Criminal Law Curriculum Study Project was

2. The discussions built upon the important work of Mary Joe Frug in *Re-Reading Contracts: A Feminist Analysis of a Contracts Casebook*, 34 *Am. U. L. Rev.* 1065 (1985), and Nancy Ericksen and Nadine Taub in the Criminal Law Curriculum Study Project. A number of women law teachers are now working on materials that could be used with a variety of basic texts. Jean Love (University of California at Davis), for example, has developed materials on tort law and Joan Williams (American University) materials on property. Building upon the workshop's discussion of the torts curriculum, the AALS Torts and Women in Legal Education sections sponsored a program at the AALS Annual Meeting the following year, entitled "Torts: A New Perspective," that encouraged torts teachers to incorporate women's issues into their courses.
3. A professional development workshop in October 1984 provided an initial opportunity for small group meetings of women law teachers based on their substantive specialties. At the October 1987 meeting, subject-matter groups focused explicitly on integrating feminist legal theory into their teaching.

At AALS annual meetings the section cosponsored "Gender-Bias in Substantive Criminal Law" with the Criminal Justice section (1986), "Teaching Torts: A New Perspective" with the Compensatory Systems section (1987), and "Gay and Lesbian Family Law Issues" with the Family and Juvenile Law and the Gay and Lesbian Legal Issues sections (1988), as well as presenting its own program on "Varying Feminist Perspectives on Surrogate Motherhood" in 1988.

nearing completion of an analysis of gender bias in criminal law textbooks and course syllabi; women law teachers in a number of locations had formed regional groups. The workshop provided an opportunity to analyze gains in integrating women's experience into the law school curriculum and reflected the maturity of the feminist critique of legal education.

1988 Program: The Many Forms of Feminist Teaching

At the 1988 workshop about seventy-five people discussed ways of bringing a feminist perspective to law school courses. Suggestions included varying the form of classroom discussion to ensure that all dialogue was not channeled through the professor, acknowledging the presence and the force of personal dynamics between students and teachers, and validating the importance of the students' emotional and personal responses to the course material. One theme that emerged was that in a variety of ways a feminist perspective highlights the operation of power relationships in the study of the law. Given the intense interest the meeting generated, the Women and the Law Project will continue the discussion of the significance of feminist teaching in a workshop at the 1989 AALS Annual Meeting.