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Moving From the Back to the Front of the Classroom[1]

Kim Brooks[2]
Debra Parkes[3]

As second-year assistant professors on law faculties in Canada, we appreciate your indulgence as we speak, admittedly ambitiously, about improving legal education to this room full of established scholars interested in emerging issues of law and sexuality. The theme of this conference has prompted us to think about whether and how legal education might be a site of resistance for queer[4] faculty and students and how legal education might benefit from a queer approach to teaching, if indeed one exists. That kind of reflection led us to the words of bell hooks, who has argued eloquently that education can be about freedom and transgression:

> The classroom, with all its limitations, remains a location of possibility. In that field of possibility, we have the opportunity to labor for freedom, to demand of ourselves and our comrades, an openness of mind and heart that allows us to face reality even as we collectively imagine ways to move beyond boundaries, to transgress. This is education as the practice of freedom.[5]

We first started thinking about the possibility of a "queer legal pedagogy" before we had started our first year as law school teachers. One of the nicest things about starting to teach was laboring under the belief that it was important at the outset to think about theories of legal education. This was a mixed blessing. While in hindsight we now suspect we should have been madly writing in preparation for the deluge of administrative responsibilities and classes, we instead found ourselves spending that first summer reading various other people's thoughts about law school and law teaching, in the hope that by September we would have some sense of what we were expected to do in the classroom.

Our project is to begin a dialogue about the viability and substance of a queer approach to legal education. We begin by explaining why we chose to investigate the idea of "queer legal pedagogy" and where we looked for guidance in developing a theory about what it might be. We then discuss briefly our decision to delineate eight normative principles to give some shape to what might constitute a queer legal pedagogy and finally, we outline the principles we have delineated. We conclude with some of our unanswered questions about this project.

WHY ASK ABOUT QUEER LEGAL PEDAGOGY?

We were thinking a lot a year ago about what it meant to move from the back to the front of the classroom. In one sense, we thought about literally standing up and teaching for the first time—and as out lesbians at that. And in another, more figurative sense, we thought about how to move the critical ideas we had about the law, legal pedagogy, and the struggle for social justice for queers and other outsiders[6] to the front of the classroom. We began to wonder whether it was possible to create a learning environment that would not require students and faculty to hang their personal skins on hooks outside the door of the law school, to be collected—if remembered at all—on the way out after three years.

As students, we were sometimes critical of the curriculum and teaching styles used in our law school classrooms. However, we were also fortunate enough to be taught by a number of out lesbian and gay professors and straight allies who introduced queer content into the curriculum.[7] We remember how important it was to hear about a successful lesbian adoption case in family law and to hear a professor name the homophobia that appeared in an unsuccessful claim by a gay man for spousal pension benefits. However, those moments were rare, and queers were largely conspicuous by their absence in our readings and class discussions.[8] We also wondered whether a queer approach to legal education would alter the *method* of teaching, in addition to the material taught. Could we learn

something from our experiences as queer students and from the literature written by those who had come before us?

We realize that we are lucky to begin our academic careers at a time when North American law schools are experiencing an undeniable growth in the presence of queers and queer content. To a certain extent, queers have been "assimilated" into law school education—as teachers, students, and subjects of study in law school curriculum. It is particularly important at this juncture to stop and ask where we are headed. How might we direct the development of queer legal education? How has, and how might, legal education be a site of resistance to the way law and traditional legal education has excluded, ignored, and suppressed queer voices and issues?

SEARCHING FOR GUIDES

Faced with the prospect of standing at the front of the classroom, we looked for guidance in the existing scholarship to begin implementing a pedagogy that would include and reflect queer lives, while also being part of a larger transformative project concerned with addressing oppression based on race, gender, disability, class, and other axes of subordination. A tall order.

Queer Scholarship

The first assignment we gave ourselves was to find out what had been written about queer legal pedagogy. Perhaps unsurprisingly, as we proceeded through our literature search, we found that with the exception of some experiential accounts of students,[9] faculty,[10] and Ruthann Robson's work,[11] queer legal scholars have paid relatively little attention to the law school classroom and directed more attention to law reform and the analysis of substantive legal issues.[12] This may tell us something about the viability of the category of queer legal pedagogy. Perhaps its constituency is too diverse? Perhaps legal education lends itself more to concrete discussions of content than to discussions of principles or approach?

With those questions still in mind, we continued our search and discovered a rich body of "queer legal scholarship" that contained strands that we think can form a basis for thinking about the elements or characteristics of a queer pedagogy in law. The existing legal scholarship can be—somewhat artificially— divided into five categories.

(1) *Experiential accounts of queer law students and law faculty*.[13] What we learn from experiential accounts is the importance of validating and making present queer lives, both as participants in legal education and objects of legal regulation. Queer students write about the absence of, or hostility toward, queer content, perspectives, and people in law school classrooms.[14] Queer professors talk about the pressure and pain often associated with "being 'out' in an environment in which 'reasonable' people can disagree about whether you are entitled to basic human dignity and respect."[15] The power of these stories suggests that we do need to focus on queer voices in the classroom. That despite the growing literature and number of out students and faculty, continuing to provide a place for us to tell our stories may hold value.

(2) *Work that can be characterized as post-modern or post-structuralist queer legal theory.*[16] This body of work includes discussions of the tension between a queer theory approach and a "gay and lesbian equality approach," which is often associated with "identity politics."[17] The literature also includes challenges to both of these approaches by transgender[18] and bisexual[19] scholars and activists.

(3) *Writing that calls attention to the lack of race and class analysis in some queer legal scholarship*.[20] For example, there is increasing attention to the fact that many white, middle class gay male activists and academics have paid little attention to the differential racial impact of pursuing same-sex marriage rights.[21] A related problem is a preoccupation in much queer legal academic writing with "commonality," or the presumed common experiences of oppression for queers, an emphasis that "may obscure the realities of people of color and the poor."[22] Queer people of color have

critiqued the "gay and lesbian essentialism" of anti-discrimination writing that insists on making analogies between racism and heterosexism in order to prove that the latter is just as harmful as the former.[23] Finally, class analysis is also often conspicuously absent in queer legal scholarship and teaching.[24]

(4) *Work focused on the more specific project of lesbian legal theory and jurisprudence*. In response to the often predominant "maleness" of gay and sometimes queer scholarship, a number of lesbians have begun to develop lesbian legal theory and lesbian jurisprudence.[25] While acknowledging the danger of aligning solely with lesbian issues, this scholarship addresses the fear of erasure: if we do not talk about our own lives, who will?

(5) *Articles that address particular legal issues from a queer perspective or that address queer issues*. The volume and scope of this work has skyrocketed in recent years and the topics and perspectives covered are wide-ranging. While there is little that might be drawn from this expanding body of work specifically to inform a pedagogical approach, it is clear that in a queer classroom we are not short of material.

Outsider Critiques of Legal Education

The second source we examined was other outsider critiques of legal pedagogy, asking what we could learn from them. Given the comparative lack of material on queer legal pedagogy, we found significant guidance in the work of feminists and critical race theorists who have pointed to ways that dominant methods of law school teaching, curriculum, composition of law schools, and other aspects of legal education operate to reinforce law as a white patriarchal practice.

Critiques of legal pedagogy fall into two broad categories: critiques of inadequacy and critiques of subordination.[26] Critiques based on inadequacy charge that legal education does not prepare people for the practice of law because of its over-emphasis on appellate case law, its artificial division into seemingly fixed categories like torts and contracts, and other structural

deficiencies.[27] However, critiques of subordination are concerned with how law teaching masks what law "is" and "how that obfuscation exacerbates the alienation that students of color and women have from the law itself."[28] We are interested in this second category of critiques, particularly critical race and feminist critiques of legal education. Our brief survey of these critiques will not do justice to the complexity of this work, but will draw our collective attention to some of its themes.

Feminist Critiques

The work on feminist legal pedagogy has consistently pushed for something more than an "add women and stir" approach,[29] which simply adds women students and faculty, as well as occasional cases or references to gender, into the usual curriculum. Instead, in Deborah Rhode's words, legal education must "explor[e] the processes that give rise to [gender's] social meaning and consequences."[30] In addition, feminists question the neutrality of law[31] and advocate the use of storytelling and narrative.[32]

Feminist legal scholarship includes important empirical work about the experiences of women in law schools.[33] This scholarship finds gender differences in academic achievement, classroom participation, and attitudes toward being in law school. Feminists have called for a substantial overhaul of legal education such that the "different voice"[34] of women might be heard in law school classrooms. The literature is rich, and the debate is lively between and among feminists about the legal education we envision. For example, there are calls for women-only law schools,[35] and there are concerns about the potential essentializing effect of focusing on women's "different voice."[36]

Critical Race Perspectives

The starting place for most race-based critiques of legal pedagogy is exposing the "norm of perspectivelessness"[37] that pervades much law school teaching, and much of the law itself. Work by critical race scholars

rejects the positing of an analytical stance that has no specific cultural, political, or class characteristics, and that lays claim to neutrality.[38]

We have also been influenced by the work of Richard Delgado,[39] who has delineated some major themes of critical race theory, many of which relate directly to a critique of law school pedagogy:

> (1) an insistence on 'naming our own reality;' (2) the belief that knowledge and ideas are powerful; (3) a readiness to question basic premises of moderate/incremental civil rights law; (4) the borrowing of insights from social science on race and racism; (5) critical examination of the myths and stories powerful groups use to justify racial subordination; (6) a more contextualized treatment of doctrine; (7) criticism of liberal legalisms; and (8) an interest in structural determinism—the ways in which legal tools and thought-structures can impede law reform.[40]

LatCrit Critiques

There are other significant outsider critiques of legal pedagogy—both established and emerging. For example, we have been influenced by LatCrit theory, an emerging outsider critique of the law and its pedagogy. Francisco Valdes, a leading proponent of this work, describes LatCrit as "examin[ing] critically the social and legal positioning of Latinas/os, especially Latinas/os within the United States, to help rectify the shortcomings of existing social and legal conditions."[41] Since the attempt to articulate LatCrit theory is so current, its proponents continue to engage in considerable self-conscious discussion about what it means to articulate an outsider perspective and theory on the law.[42]

CHOOSING NORMATIVE PRINCIPLES

The richness of the outsider scholarship on legal pedagogy was heartening, but disorienting. We had to decide how to proceed in the face of this material, and how to clarify our thinking about queer legal pedagogy. We initially found some clarity in the work done by some feminist

economists. In the context of developing a taxonomy for reviewing inclusion of women in the content taught to economics students, Jean Shackelford and a gang of feminist economists delineate four phases for making course content more inclusive:

1. Teaching the Received Neoclassical Cannon (Womenless Economics);
2. Finding and Adding Members of Heretofore Underrepresented Groups;
3. Challenging Core Concepts and Proposing Alternatives; and
4. Redefining and Reconstructing Economics to Include Us All.[43]

These categories build from one to the next in this taxonomy. But after trying to think about translating this kind of model into a queer one, we began to feel unsatisfied. The idea of positing a set of progressive steps, each building on the one before, leading to a redefined, reconstructed, and thoroughly queer legal pedagogy seemed beyond our capabilities, and maybe even unsuited to our subject. There was a precision about the methodology that did not seem to work at this stage in our project.

The next breakthrough in our methodology came from Nancy Fraser. In her piece *After the Family Wage* in *Justice Interruptus*, Fraser "unpack[s] the idea of gender equity as a compound of seven distinct normative principles."[44] Following Fraser's approach, we broke the idea of a queer legal pedagogy into eight normative principles. Unlike Fraser's approach, these principles are not distinct, but are often interdependent. Our intention is not to define queer legal pedagogy, so much as it is to give that concept some character and scope.

1. *Centers queer experience in all of its diversity*. A queer legal pedagogy that does not center queer experience would be, well, not queer. Legal education is impoverished when it is based only upon the experiences of dominant groups and would be improved by the infusion of queer narratives,[45] along with a recognition that queers do not speak with one voice. The commitment to diversity must be strong in the face of a status

quo that tends to relegate the voices of marginalized groups and their interactions with law to the sidelines.

2. *Advances progressive transformation*. There will be no meaningful advancement of queer social justice through pedagogy if there is not meaningful advancement of the social justice of all peoples.[46] We must confront our own privilege and consider how our teaching and research might facilitate meaningful change in the lives of marginalized people.[47]

3. *Cultivates community and coalition*. We need to end the alienation that queer students (and other marginalized students) feel in their legal education, and draw on the skills we have as creators of community and coalition. Mari Matsuda has said that "[w]orking in coalition helps us to look for both the obvious and non-obvious relationships of domination, helping us to realize that no form of subordination ever stands alone."[48]

4. *Embraces activism as method*. This principle of queer legal pedagogy recognizes the significance of activist and grass-roots action as a legitimate method of learning. Queer legal pedagogy should recognize the legacy of queer activism, and should maintain a focus on "praxis," the integration of theory and practice, by valuing clinical legal aid work and the actions of faculty and students who work to change public policy.

5. *De-naturalizes heterosexuality*. This principle of queer legal pedagogy seeks to undermine two precepts that underscore heterosexism. First, that heterosexuality is a "preferred" form of social organization, and second, that men and women should adopt particular, and different, gender roles. This principle requires that we question our use of heterosexual norms—such as marriage—as goals against which we measure the struggle for queer equality.

6. *Responds to changing contexts, periods, and climates*. These principles of queer legal pedagogy cannot and do not make any claim to paradigmatic status. We must be prepared to adapt our approach as the legal, social, and political context changes. For example, it may be that in ten years, the debate over the word "queer" itself may no longer be

relevant—do we mean a particular identity? Do we mean an approach to transcending a particular identity? Queer legal pedagogy will have the most impact if it fosters a sense of imagination among academics, students, and practitioners of the law.[49]

7. *Uncovers perspectives*. The call to neutrality in law is a powerful one. At a minimum, in designing a queer legal pedagogy we need to ensure that students do not get to pretend that they lack identities beyond the classroom—whether those identities are privileged or marginalized in any given context.

8. *Seeks connections between disciplines*. It is important to see the connections between law and other studies of human behavior and regulation. Law cannot be the only avenue through which we seek equality and social justice. Interdisciplinary work also helps us to understand the complex human relationships from which legal issues arise.[50]

WHERE DO WE GO FROM HERE?

We started this project as a labor of love. Queer scholarship is not, nor has it been, a research focus for either of us, but we are both committed to continuing to confront our queerness in the legal world and in our specific law schools. That said, we have now been teaching for a year and a half, and even after having this paper, with its ideas and ambitions, somewhere in the recesses of our minds, we find we do very little of what we think we ought to be doing in our own classes. The power of student dissent, the fear of bad teaching evaluations, and the pressure to "teach the law" often overtake even our best intentions.

After having spent some time thinking about these issues, we still have many of the same questions we had at the outset: Is there value to this project? How can a queer legal pedagogy be helpful? If work on pedagogy is useful, does this format—the delineation of principles—make sense? Does it matter that only a few of our principles might be seen as unique to a queer pedagogy, and that much of this work is borrowed and adopted from

the work of other outsider scholars? Relying on our own experiences cannot give us the answers to all these questions, because our failure to implement our principles may be more a function of our own weaknesses than evidence of deficiencies in the principles.

Perhaps one way to evaluate the viability of our principles is to invoke principle number three by attempting to cultivate a community and coalition around the project of queer legal pedagogy itself. We look forward to hearing your reflections, comments, and criticisms as students, academics, and practitioners, about this project.[51]

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[1] This paper is a condensed version of a presentation we gave at the Seattle University School of Law on September 22, 2002, as part of the conference on *Assimilation and Resistance: Emerging Issues in Law and Sexuality*. We are grateful to the conference organizers, particularly Kelly Testye and Julie Shapiro, for their commitment to putting on the conference and to allowing us to participate in and benefit from the presentations and comments of all the speakers and participants. We also thank the editors of the *Seattle Journal for Social Justice* for inviting us to submit these comments for publication.

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[4] We use the term "queer" inclusively and expansively to include anyone who identifies as gay, lesbian, bisexual, transgender, two-spirited, gender transgressive, or queer. When we talk about "queer legal scholars" we are not limiting that group to those who consider themselves "queer theorists" in the more specific, post-modern sense. On one level, "queer" is simply a helpful shorthand to avoid over and over reciting the mantra, "gay, lesbian, bisexual, transgender," but we also use it self-consciously to denote resistance—there's that word—to the idea that the identity categories we tend to use—particularly gay and straight—are necessarily discreet, stable, or inclusive of people's experience.

[5] bell hooks, TEACHING TO TRANSGRESS 207 (1994).

[6] By "outsiders," we mean members of groups not traditionally powerful in society or traditionally the ones fashioning, teaching, or adjudicating the law. When we talk about "outsider scholars," we mean generally, critical race theorists, feminists, and those concerned with class oppression and subordination based on disability, along with theorists broadly characterized as queer. For an early use of the term "outsider," see Mari Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 MICH. L. REV. 2320, 2323 (1989).

[7] Two of those professors/mentors/heroes, Susan Boyd and Claire Young, were presenters at the conference on Assimilation and Resistance.

[8] In fact, the accounts of queer students brave enough to write about their law school experience indicate that the gay men and lesbians who do appear in law school curricula tend to appear in a negative light. *See, e.g.*, Kevin Reuther, *Dorothy's Friend Goes to Law School*, 1 NAT'L. J. SEX. ORIENT. L. 254 (1995) (on-line version). The only queers

Reuther encountered in his first year at Harvard Law School appeared in criminal cases: men convicted of possessing nude photos of boys, unnamed individuals engaged in "criminal homosexual conduct," Michael Hardwick, and a "group of lesbians" in a state prison who offered another prisoner the option to "fuck or fight." *Id*.

[9] *See, e.g.,* Scott Ihrig, *Sexual Orientation in Law School: Experiences of Gay, Lesbian and Bisexual Law Students*, 14 LAW & INEQ. J. 555 (1996).

[10] *See, e.g.,* Kristian Miccio, *Closing My Eyes and Remembering Myself: Reflections of a Lesbian Law Professor*, 7 COLUM. J. GENDER & L. 167 (1997).

[11] Robson has written a number of groundbreaking essays on lesbians and the law and has begun to theorize a lesbian jurisprudence. Many of those essays have been collected in a book, RUTHANN ROBSON, SAPPHO GOES TO LAW SCHOOL (1998).

[12] From the first law review symposium on sexual orientation in 1979, entitled *Sexual Preference and Gender Identity*, 30 HASTINGS L. J. 799 (1979), the amount of academic analysis of legal issues affecting queers has grown to the point that a recent Westlaw search spanning September 1, 2001 to September 10, 2002 uncovered 31 articles containing the words gay, lesbian, bisexual, transgendered, transsexual, or queer in the title.

[13] Reuther, s*upra* note 8; Miccio, *supra* note 10.

[14] For example, Scott Ihrig, a former student at the University of Minnesota, describes how a professor told him to "divorce [his] personal politics from [his] constitutional law," when Ihrig questioned the professor's summary agreement with the majority ruling in *Bowers* v. *Hardwick* 478 U.S. 186 (1986), upholding as constitutional a state prohibition against sodomy. Ihrig, *supra* note 9, at 558.

[15] Mary Becker, *Becoming Visible*, 1 NAT'L. J. SEX. ORIENT. L. 147 (1995).

[16] For an example of the burgeoning field of queer legal theory, *see* Mariana Valverde, *Justice as Irony: A Queer Ethical Experiment,* 14 LAW & LITERATURE 85 (2002) Valverde describes her use of "queer:"

> [W]hen I say 'queer,' I am not invoking and reiterating the gay-straight binary: queer is not another word for gay… Gays can name themselves and can thus be easily identified; 'queer,' by contrast, does not name an identity, deviant or normalized. Queer politics begins where Foucault'[s] analysis of homosexual identity formation ends.

Id. at 95–6.

[17] *See*, *e.g*., Laurie Rose Kepros, *Queer Theory: Weed or Seed in the Garden of Legal Theory?,* 9 LAW & SEXUALITY 279, 280 (2000).

[18] *See*, *e.g*., Shannon Minter, *Do Transsexuals Dream of Gay Rights? Getting Real About Transgender Inclusion in the Gay Rights Movement*, 17 N.Y.L. SCH. J. HUM. RTS. 589 (1997). It has become clear to us that if we are to honestly include "transgender" in the now familiar acronym LGBT, a queer legal pedagogy will necessarily wrestle with the stability of categories such as male, female, masculine, feminine, gay, and straight. The inclusion of transgender people in social and legal movements for LGBT equality upsets the dominant "gay rights" discourse that sexual orientation is purely about sexual object choice, rather than about challenging gender normativity and heteronormativity.

[19] *See*, *e.g*., Kenji Yoshino, *The Epistemic Contract of Bisexual Erasure*, 52 STAN. L. REV. 353 (2000).

[20] *See*, *e.g.*, Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse*, 29 CONN. L. REV. 561, 563 (1997). ("[In] dominant gay and lesbian culture and scholarship…issues of racial and class subordination are neglected or rejected and…universal gay and lesbian experience is assumed.")
[21] *Id*. at 583–602.
[22] *Id*. at 602.
[23] URVASHI VAID, VIRTUAL EQUALITY: THE MAINSTREAMING OF GAY AND LESBIAN LIBERATION 187 (1995).
[24] ROBSON, *supra* note 11, at 206. In class discussions about discrimination, Robson tells the story of a poor, white woman who applies for a job at a law firm wearing a pink party dress made by her mother. While students in Robson's class have little difficulty finding discrimination if a student is not hired due to his or her perceived sexual orientation, students routinely fail to see any discrimination when the woman is not hired on the basis that she "dressed inappropriately." *Id*.
[25] The most significant contributor to this literature is Ruthann Robson. *See* ROBSON, *supra* note 11.
[26] *See* Chris Iijima, *Separating Support from Betrayal: Examining the Intersection of Racialized Legal Pedagogy, Academic Support, and Subordination*, 33 IND. L. REV. 737 (2000).
[27] *See*, *e.g.*, John S. Elson, *How and Why the Practicing Bar Must Rescue American Legal Education from the Misguided Priorities of American Legal Academia*, 64 TENN. L. REV. 1135 (1997).
[28] Iijima, *supra* note 26, at 752.
[29] *See* Deborah Rhode, *Missing Questions: Feminist Perspectives on Legal Education*, 45 STAN. L. REV. 1547, 1564 (1993).
[30] *Id*.
[31] For example, one feminist scholar has commented:

> Feminists have found that neutral rules and procedures tend to drive underground the ideologies of the decisionmaker, and that these ideologies do not serve women's interests well. Disadvantaged by hidden bias, feminists see the value of modes of legal reasoning that expose and open up debate concerning the underlying political and moral considerations.

Katherine Barlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829, 862 (1990).
[32] The goal is well-framed by Katherine Bartlett, who suggests that a key feminist method is "seeking insights and enhanced perspectives through collaborative or interactive engagements with others based upon personal experience and narrative (consciousness-raising)." *Id.* at 831.
[33] *See*, *e.g.*, LANI GUINIER ET AL., BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE (1997) (addressing University of Pennsylvania Law School); Susan Homer & Louise Schwartz, *Admitted But Not Accepted: Outsiders Take an Inside Look at Law School*, 5 BERKELEY. WOMEN'S L. J. 1 (1989) (addressing Boalt Hall School of Law, University of California, Berkeley); and Catherine Weiss & Louise Melling, *The Legal Education of Twenty Women*, 40 STAN. L. REV. 1299 (1988) (addressing Yale Law School).

[34] Much of this work draws explicitly or implicitly on the theory of feminist psychologist Carol Gilligan. *See* CAROL GILLIGAN, A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT (1982).

[35] *See, e.g.*, Nancy Shurtz, Lighting the Lantern: Visions of a Virtual All-Women's Law School, Presentation at Assimilation and Resistance: Emerging Issues in Law and Sexuality at Seattle University School of Law (Sept. 21, 2002) (on file with authors).

[36] For example, Banu Ramachandran argues that feminist critiques of legal pedagogy tend to rely on essentialist accounts of what it is to be a woman that actually "rehabilitat[es] a femininity that has always belonged to white, heterosexual women." Banu Ramachandran, *Re-Reading Difference: Feminist Critiques of the Law School Classroom and the Problem of Speaking from Experience*, 98 COLUM. L. REV. 1757, 1779 (1998).

[37] Kimberle Crenshaw uses this term to describe how "many law school are conducted as though it is possible to create, weigh and evaluate rules and arguments in ways that neither reflect nor privilege any particular perspective or world view." Kimberle Crenshaw, *Foreward: Toward a Race-Conscious Pedagogy in Legal Education*, 4 S. CAL. REV. L. & WOMEN'S STUD. 33, 35 (1994).

[38] *Id*. at 35. *See also* Judith Greenberg, *Erasing Race from Legal Education*, 28 U. MICH. J.L. REFORM 51, 67–68 (1994).

[39] Richard Delgado, *When a Story is Just a Story: Does Voice Really Matter?,* 76 VA. L. REV. 98, 98 n.1 (1990).

[40] *Id*.

[41] Francisco Valdes, *Under Construction: LatCrit Consciousness, Community and Theory*, 85 CAL. L. REV. 1087, 1089 n.2 (1997).

[42] For example, Valdes describes four functions necessary for a new theory to work or, in his words, "be worth it." Those functions are: "1. The Production of Knowledge" (in an "interdisciplinary and critical way"); "2. The Advancement of Transformation" (specifically, the "creation of material social change" for Latinos/as); "3. The Expansion and Connection of Struggle(s)" (with a focus on "intra-Latino/a diversity"); and "4. The Cultivation of Community and Coalition" with other outsider groups. *Id*. at 1093–94.

[43] April Laskey Aerni et al., *Toward a Feminist Pedagogy in Economics*, 5 FEMINIST ECON. 29, 32 (1999).

[44] NANCY FRASER, JUSTICE INTERRUPTUS: CRITICAL REFLECTIONS ON THE 'POSTSOCIALIST' CONDITION 41–49 (1997).

[45] William Eskeridge argues that "gaylegal narratives" have at least three substantial values: 1. "informational value…we are here there and everywhere," 2. value "to test general, abstract propositions in the context of concrete cases," and 3. value in "[d]emonstrating [c]onnections and [i]nterrelationships [a]mong [s]eparate [p]olicies." William Eskeridge Jr., *Gaylegal Narratives*, 46 STAN. L. REV. 607, 614–618 (1994). *But see* ROBSON, *supra* note 11, at 99-108 where she expresses some concerns about narrativity as a progressive strategy. Robson's concerns include that narrative may be "inescapably male and heterosexual," that the stories we tell may simply confirm the stereotypes others hold, that narratives may obscure power relations between queers, and that only the "good" narratives might be told. *Id.*

[46] *See* Valdes, *supra* note 41, where he advocates the pursuit of progressive transformation as a key element of any new legal theory.
[47] This may mean, for example, confronting our discomfort with including criminalized and incarcerated queers in our "communities." *See* ROBSON, *supra* note 11, at 30–41.
[48] Mari Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 STAN. L. REV. 1183, 1189 (1991).
[49] *See, e.g.*, ROBSON, *supra* note 11, at 14, where she advocates imagining "radical changes, changes that are not merely inserting lesbian interests into the existing structure." *Id*.
[50] *See, e.g.*, PATRICIA WILLIAMS, THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR 55 (1991).
[51] If you have any comments, questions, or ideas about the queer legal pedagogy project introduced here, please feel free to contact us at brooksk@qsilver.queensu.ca or debra_parkes@umanitoba.ca.