

## TECHNOLOGY

[no material in this edition]

## WOMEN'S ISSUES

### Touching the elephant: perceptions of gender issues in nine law schools

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Of the 33 reports on gender bias in the courts that were produced before 1990, none studied gender bias in the practising legal profession or the law schools, although some had indicated that unfair treatment of women may be traced to law schools. A committee was established to investigate gender bias in the nine law schools in Ohio. Its goal was to determine whether the percentages of women students and faculty who perceived gender-bias problems were large enough to warrant action by legal educators to minimise the disadvantages of gender difference. This article reports the research methodology adopted by the committee and the results yielded.

The committee reviewed the literature on gender issues in legal education in determining the methodology to be used in the study. From this review it formulated a list of problems that women in law schools experience, such as the 'chilly climate' caused by the male characteristics and values that pervade the law school classroom and the campus. Much of the literature explored the female-male differences, in particular the notion that women are relationship-oriented, connoting an inclination towards nurturing, sensitivity and caring, whilst men are rights-oriented, typified by assertiveness and an argumentative, confrontational and

adversarial nature. Reports of law students were reviewed, revealing that traditional legal education was a process of rigorous exclusion of feelings and personal beliefs. Women and minority group women were less likely to participate in class as the agenda is set by and run by white middle-class males. Women repeatedly found law school classrooms more alienating than men did.

The committee decided that its goal was to document by way of survey the extent to which gender bias was perceived as actually occurring in Ohio law schools. For the study 800 males and 800 females were selected at random to be surveyed and 296 females identified by their law schools as minority women were also surveyed. The survey itself had 100 questions covering many aspects of students' lives and experiences. The responses were analysed under four major topics: (1) career plans, (2) demographics, (3) academic environment of respondents, including sexual or racial discrimination and sexual harassment, and (4) actions and perceptions of the respondents. The committee's conclusion from the student survey was that women law students bear more burdens and evidence less self-confidence than men in ways that are consistent with the literature reviewed. Minority women showed a pattern of greater sensitivity to differential treatment on the basis of gender and race, indicating a multiplied effect of disadvantage due to the intersection of race and gender. The final conclusion of the committee was that it should be within the educational mission of law schools to improve the educational experience for women.

The committee also surveyed law teachers. This survey was divided up into three topic areas: (1) integration

of professional and family life, (2) relationships with others, and (3) hiring and promotion. The committee concluded that women faculty members were in a 'triple bind' situation: the first bind being the less assertive nature of women; the second bind being that when women are assertive they are disadvantaged for displaying behaviour that is valued in and inherent in men and not women; and the third bind is that a percentage of men believe the promotion standards for women are lower. Law schools should study and discuss the burdens particular to women and the reduced opportunities for promotion available to them.

Research into the reasons behind the differences needs to be performed. The relatively lower participation rate of women in class discussion could be due to the Socratic method used in law schools and students may feel more comfortable with a teacher of the same gender. The author's hypotheses for the male/female differences revealed by the surveys are first, that women continue to feel like outsiders in a profession which remains predominantly male and second, that more women than men exhibit relationship-oriented behaviour.

### Contextualising the debate: how feminist and critical race scholarship can inform the teaching of employment discrimination law

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A rich body of literature has been created over the last ten years addressing how feminist and critical race theory can inform law school pedagogy. Of special use are those articles which illustrate how the substance of core courses can be