

rethought. Such scholarship is exciting as it challenges the notion of the assumed neutrality of the law. As yet no articles on the teaching of employment discrimination law from a feminist and critical race theory perspective have been written.

The rationale behind the use of a feminist or critical race perspective is to challenge and expose the unstated curriculum, which at worst sends a message to women and minorities that their concerns are not pertinent to the study of law. Such an approach can contextualise employment discrimination and help students appreciate that abstract legal principles have concrete consequences for specific groups of employees. Furthermore, a curriculum that incorporates diverse perspectives may create more sensitive and caring practitioners.

One argument for changing the traditional law school courses is that those courses often operate in a vacuum, without reference to the economic, social or psychological context. The casebooks on employment discrimination law are similarly acontextual. For example, Friedman and Strickler's book discusses the arguments for and against comparable worth of men and women in the workplace in two sentences and cites a dozen articles from law reviews. Such acontextual presentation leaves students to ponder exactly how large the problem is. Another textbook which did attempt to contextualise the law contained within was found to be in need of an update as it was published in 1987, earlier than many of the feminist and critical race readings.

In rethinking the employment discrimination course, four contexts were identified: (1) economic, (2) psychological, (3) sociological and (4) theoretical. Within each

perspective there are sub-perspectives.

The economic context can be used to assess the purpose and effectiveness of the anti-discrimination laws. The two main issues are the occupational segregation and the earning gap between white men and those of other groups.

The psychological aspects of racism can be explored from the perspective of the damage that it causes to the self-esteem of the subject or the subjective perception of the white majority. The reason for putting the law in a psychological perspective is to show students that regulation is needed and the limitations of anti-discrimination laws. This perspective can be clearly illustrated by having litigants to employment anti-discrimination suits come to the class and give a first hand account of the experience. Additionally, assigning critical scholarship readings on the topic will assist students in contextualising the law.

Many commentators have noted that sociological factors that have a white male bias can affect the progress of protected groups. Sociological factors typically affect young minority women and professional women and go part way to explaining the occupational segregation of white males from other groups.

The theoretical context is derived from the traditional Fourteenth Amendment equal protection analysis. Many feminists have argued that the equality concept is bias against women as men represent the standard against which women are measured. Affirmative action discussions may be used and centre around the concept that affirmative action is anti-meritocratic, is reverse discrimination, produces unqualified

and undeserving workers and stigmatises its beneficiaries.

Feminist perspectives on the ideological impact of legal education upon the profession
(The ideological impact of legal education upon the profession - a series of essays)

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Feminists are those who think critically about the role that gender plays in existing social, political and legal arrangements. This article, however, focuses not on 'the' feminist perspective on the ideological impact of legal education upon the profession but on the different feminist perspectives. The focus is on two feminist perspectives: the 'different voice' perspective and the dominance or non-subordination perspective. These perspectives help to expose the links between legal education and gender ideologies in the profession that are not easily revealed by equality principles with which most practising attorneys would be familiar.

The primary commitment of different voice theory is to identify those characteristics and values of women that are different and undervalued in society and either to promote affirmatively or revalue those characteristics. Existing values are questioned. It is contended that women's values are superior to those of men and society would be improved if women's values were more highly prized. Legal education places male ideals, such as individual performance, competitiveness and autonomy above the equivalent female ideals of group process, cooperation and collective learning. Legal education encourages the ability to take any side and argue any point of view, thereby excluding any

genuine empathy for or understanding of either side of the case. Primary legal texts emphasise and describe the importance of appellate court decisions, thus devaluing alternative non-adversarial methods of dispute resolution and the avoidance of conflict.

Dominance theory posits that women are harmed, not because they are different from men, but because they are subordinate. Principles that seek to guarantee objectivity, neutrality and justice under the law in fact reflect male interests and maintain male dominance. The curriculum of law schools feeds male dominance by maintaining a hierarchy between a core set of courses in business and finance - affecting mostly men - and a set of more optional, fringe courses such as family law, employment discrimination and even legal ethics, in which women are more likely to be interested.

Taken separately, different voice and dominance theories highlight specific areas of legal education that generate gender issues. Taken together, they highlight the difficult problem of tackling the gender issues raised by each. Often a step considered to be in the correct direction by one feminist group aggravates and antagonises other feminist groups. For example, while the different voice feminists celebrate those values that make women different from men, such as cooperativeness and caring for others, the dominance feminists argue that such values have historically been used by men to keep women subordinate and thereby perpetuate the system of male dominance. To avoid the stigmatisation of women caused by women's affirmative action initiatives, a re-ordering is justified - not to favour women, but to neutralise the male bias and interest.

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