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IMPROVING LEGAL AND LATINO EDUCATION

CLUSTER INTRODUCTION - EDUCATION AND PEDAGOGY – ON IDENTITY AND INSTRUCTION

OLYMPIA DUHART*

The instructor said,
Go home and write a page tonight.
And let that page come out of you--
Then, it will be true.¹
— Langston Hughes

The narrator in Langston Hughes's poem about a "colored" twenty-year-old responding to an assignment from a white, older instructor challenges us to think about the ways in which identity can inform instruction. *Who are you? Who am I?* More than any syllabus or casebook, the life experiences of the teacher and those of the students often determine the lessons learned in the classroom. Ultimately, it is impossible for people on either side of the podium to disaggregate their lives, values, self-awareness, and identities from their educational pursuits.

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1. LANGSTON HUGHES, *Theme for English B*, in THE COLLECTED POEMS OF LANGSTON HUGHES 409, 409-10 (Arnold Rampersad ed., 1994) [hereinafter THE COLLECTED POEMS]. The poem is one of a "small but constant selection of other poems included in anthologies." See Karen Jackson Ford, *Do Right to Write Right: Langston Hughes's Aesthetics of Simplicity*, in BLOOM'S BIO CRITIQUES: LANGSTON HUGHES 101, 101 (Harold Bloom ed., 2002). As the critic Harold Bloom notes: "Something authentic and powerful almost always struggles to break through into adequate form in Hughes's poetry." HAROLD BLOOM, BLOOM'S MAJOR POETS: LANGSTON HUGHES 9 (Harold Bloom ed., 1999).

Hughes, an African-American born in Missouri at the turn of the twentieth century, spent a year at studying at Columbia University.² At the time, he was the only black student living on campus.³ His poem, *Theme for English B*,⁴ details the isolation the author experiences through an identity constructed by age, class and, in large part, race. In his poem, Hughes crystalizes the difficulties students and, implicitly, teachers face in the classroom because of differences in identities. The narrator reveals that even the simplest task⁵ is complicated by these barriers—both consciously and subconsciously.⁶ The frustrated narrator recognizes the common ground between himself and the professor crafting the assignment.⁷ Yet, he soon realizes that the differences between the student and instructor are reduced to a separation based on power and control, with the student concluding that the instructor is older, white, and “somewhat more free.”⁸ In his accessible, lyrical poem, Hughes underscores the ways the identity of the student and the professor infuses and informs (and sometimes infects) instruction.

Likewise, the three essays that comprise the education and pedagogy cluster for the LatCrit XVI symposium, which grew out of the Sixteenth Annual Latina/o Critical Legal Theory (“LatCrit”) Conference held in San Diego, California, in October 2011, examines through different lenses the challenges of balancing identity and instruction. In keeping with the conference theme of *Global Justice: Theories, Histories, Futures*, the entries in the cluster emphasize

2. JOEL CONARROE, SIX AMERICAN POETS: AN ANTHOLOGY 227-28 (Joel Conarroe ed., 1993).

3. *Id.* at 227.

4. Hughes attended Columbia University, but did not return after his freshman year because the school was “stifling and unfulfilling” for him. BLOOM, *supra* note 1, at 12.

5. In the narrator’s case, the assignment is to write a one-page autobiography. See THE COLLECTED POEMS, *supra* note 1.

6. “Sometimes perhaps you don’t want to be a part of me. / Nor do I often want to be a part of you.” *Id.*

7. “I guess being colored doesn’t make me NOT like / the same things other folks like who are other races.” *Id.* “Well, I like to eat, sleep, drink, and be in love. / I like to work, read, learn, and understand life.” *Id.*

8. *Id.* The poem, in its entirety, can be viewed at: www.poets.org/viewmedia.php/prmMID/15614.

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values long advanced by LatCrit. These honest, reflective pieces are an appropriate frame for the discussion on education and pedagogy—especially in the American law school classroom of 2012. Identity must inform instruction, as evinced by pedagogical theory, demonstrated by history, and guided by the promise of a higher morality in legal education. The essays in this cluster are united by their commitment to leveraging identity to enhance legal instruction. The authors themselves are the best evidence of the success of a progressive approach to pedagogy.⁹ They each represent scholars with diverse educational backgrounds, institutional positions, and scholarship interests. No doubt, the cluster is strengthened by the different voices and approaches to the same topic. Through distinct treatments of the topic, the authors confront and confirm the value of progressive pedagogy for law schools.

The inquiry regarding progressive and critical pedagogy has never been as timely as it is at this moment. Mainstream media has finally caught up with what legal education experts pointed out a decade ago—legal education in the United States needs a major overhaul.¹⁰ Learning theorists and education specialists have long called for the need to reform and re-imagine the law school classroom.¹¹

9. In fact, SpearIt is a 2004 LatCrit student scholar who documents his entry into the legal academy in his essay. See SpearIt, *Priorities of Pedagogy: Classroom Justice in the Law School Setting*, 48 CAL W. L. REV. 467 (2012). For more information regarding the LatCrit Student Scholar Program (SSP), visit the SSP site at: <http://www.latcrit.org/latcrit/studscholarprog.php>.

10. See, e.g., Stanley Fish, *The Bad News Law School*, N.Y. TIMES (Feb. 20, 2012), <http://opinionator.blogs.nytimes.com/2012/02/20/the-bad-news-law-schools/> (summarizing many of the issues that have dominated the coverage of the “American legal education in crisis” storylines since 2011).

11. See generally TASK FORCE ON LAW SCH. & THE PROFESSION: NARROWING THE GAP, AM. BAR ASS’N, LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN EDUCATIONAL CONTINUUM (Robert MacCrate ed., 1992); ROY STUCKEY, BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007). The call for law review reform continues to emerge among legal scholars. See Brent E. Newton, *The Ninety-Five Theses: Systemic Reforms of American Legal Education and Licensure*, 64 S.C. L. REV. (forthcoming 2012). Already, some schools are implementing new models for legal education. Stanford Law School, for instance, recently announced that it would transform its J.D. program into one that included multi-disciplinary project courses, expanded clinical training, and team-oriented problem-solving techniques. Judith Romero, *Stanford Law School Advances New*

Conventional models not only dehumanize students,¹² but leave them ill-equipped to handle the challenges and changing face of the public they are charged to serve.¹³

Furthermore, an examination of law school classrooms reveals a pernicious pattern of marginalization.¹⁴ As increasingly reported, the presence of African-American and Mexican American students in the law school classroom has been diminishing.¹⁵ As American law schools become more homogeneous, and “diversity” becomes a dirty word in some circles, it is critical now to commit fully to progressive and critical pedagogy. The calculus is pretty clear: fewer minorities in the classroom translates to fewer minority attorneys. Therefore, pipeline efforts must be maintained in a commitment to make the legal profession more representative of the public it serves.¹⁶ The public demands it. The students deserve it. The law commands it. The question then becomes how to best implement it.

The initial step of acknowledging the dynamics of identity and the ways in which it can suppress or bolster the learning experience is practically radical on its face.¹⁷ Nevertheless, in the first essay,

Model for Legal Education, STAN. L. SCH. NEWS (Feb. 13, 2012), <http://blogs.law.stanford.edu/newsfeed/2012/02/13/stanford-law-school-advances-new-model-for-legal-education/>.

12. See MICHAEL HUNTER SCHWARTZ ET AL., *TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM* 23-27 (2009) (advocating a more respectful and inclusive learning experience in law school).

13. David Segal, *What They Don't Teach Law Students: Lawyering*, N.Y. TIMES (Nov. 19, 2011), <http://www.nytimes.com/2011/11/20/business/after-law-school-associates-learn-to-be-lawyers.html?pagewanted=all>.

14. See AnnaMarie Anderson et al., *A Disturbing Trend on Law School Diversity*, COLUM. U. SCH. L., <http://blogs.law.columbia.edu/salt/> (last visited Mar. 13, 2011).

15. *Id.*

16. See generally DOROTHY H. EVENSEN & CARLA D. PRATT, *THE END OF THE PIPELINE: A JOURNEY OF RECOGNITION FOR AFRICAN AMERICANS ENTERING THE LEGAL PROFESSION* (2012); Hazel Weiser, *Making the Pipeline Work—A Book Review*, SALT LAW, <http://www.saltlaw.org/blog/2011/12/12/making-the-pipeline-work%E2%80%94a-book-review/> (last visited Mar. 15, 2012).

17. For a long time, the mantra was for teachers and students to be “color blind.” More recently, the call has been for a “post-racial” world. But many have learned the hard way that race still matters. So, too, do gender, sexual orientation, gender identity, ethnicity, religion, physical and mental abilities, and socio-

Priorities of Pedagogy: Classroom Justice in the Law School Setting, SpearIt begins with the premise that progressive pedagogy is a mandate. He then proceeds to address the myriad of ways the law school professor can work to realize the goals of progressive pedagogy, offering special attention to how justice works in the law school classroom setting. His work imports the teachings of Paulo Freire’s *Pedagogy of the Oppressed*, and he makes a strong case for “classroom justice.”¹⁸

After all, education, whether provided in the towers of an Ivy League university or the behind the gates of a make-shift prison classroom, can never be neutral:

There is no such thing as a neutral educational process. Education either functions as an instrument that is used to facilitate the integration of the younger generation into the logic of the present system and bring about conformity to it, or it becomes ‘the practice of freedom,’ the means by which men and women deal critically and creatively with reality and discover how to participate in their world.¹⁹

This is a lesson that SpearIt, who has taught both elite students and convicted felons, brings with him into every law school classroom he enters. His unique teaching experiences—among other aspects of his identity—inform his teaching. Perhaps the most pronounced manifestation of this element of his identity is revealed in his unflinching commitment to a more humane teaching model. In his essay, he details his wide-sweeping efforts to create justice in the classroom. Before the very first case is read, SpearIt’s teaching is informed by his drive to “devise more equitable methods of teaching, help students develop consciousness of freedom, and connect knowledge to power.”²⁰ He asserts that everything from classroom ecology (the placement of the podium), to course design (the delivery of syllabus), attire (suit and tie), and policies (make-up class

economic background.

18. See generally PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* (Myra Bergman Ramos trans., 1970).

19. Richard Shaull, *Foreword* to PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 16 (Myra Bergman Ramos trans., Penguin Books 2d ed. 1996).

20. SpearIt, *supra* note 9.

procedures) determine what students experience as “classroom justice.” He critiques the reliance on the Socratic Method as being riddled with an improper allocation of power, stripping away all of the “dialogue” and leaving students “little opportunity to debate in any meaningful sense.”²¹ SpearIt recognizes the tension that emerges when power is distributed unevenly in the classroom, a dynamic addressed in Hughes’s *Theme for English B*. As Hughes writes, the dysfunction permeates both student and teacher: “Sometimes perhaps you don’t want to be a part of me / Nor do I often want to be a part of you.”²² Resentment and isolation are inevitable byproducts of a dysfunctional classroom design.

But despite the difficulties inherent in dispensing classroom justice, SpearIt offers some guidance. He notes that despite the lack of formal education training that characterizes most law professors,²³ it is possible to transform the law school classroom into a “sacred space” through skill and sincerity.²⁴ He also highlights the value of

21. *Id.*; see also James R. Beattie, Jr., *Socratic Ignorance: Once More into the Cave*, 105 W. VA. L. REV. 471, 472 (2003) (asserting that “classroom despotism is not required of the Socratic teacher”).

22. THE COLLECTED POEMS, *supra* note 1.

23. No formal training in education is needed to teach law school. SpearIt notes that while teaching experience is welcome among law professors, it is not required. SpearIt, *supra* note 9 (citing STUCKEY, *supra* note 11, at 78 (“[V]irtually no legal educators have educational training or experience when they are hired”). I recall my own surprise when I realized that I required more formal educational training to teach public high school (coursework, tests, and a certificate issued by the state) than I needed to teach at a law school. Some law school educators, however, have taken seriously the task of creating a culture that values teaching methods and practices. For example, there are many panels, programs, and publications that are aimed at developing teaching values and improving the classroom experience. See, e.g., Hillary Burgess, *The Challenges of ‘Innovative’ Teaching*, 17 L. TCHR. 1, 1, 5, 7-8 (2011), available at <http://lawteaching.org/lawteacher/2011spring/lawteacher2011spring.pdf>. *The Law Teacher*, published by the Institute for Law Teaching and Learning, Gonzaga University School of Law and Washburn University School of Law, “provides a forum for ideas to improve teaching and learning in law schools and informs law teachers of the activities of the Institute.” *Id.* at 1. More law school teaching books and guides are also being published in an effort to better equip law professors in the classroom. See, e.g., GERALD F. HESS ET AL., *TECHNIQUES FOR TEACHING LAW 2* (2011).

24. SpearIt, *supra* note 9; see also SpearIt, *First-Year Law: Justice in the Classroom and Beyond*, *Society of American Law Teachers*, SALT LAW,

community—whether through formal mentoring programs or informal teaching networks—in “emphasizing teaching as a matter of justice.”²⁵

While SpearIt examines the subconscious manifestations of identity politics in the classroom, the next essay features a look at the explicit treatment of identity in the classroom. In her essay, Professor Daphne V. Taylor-Garcia mounts a compelling defense for the protection of identity-driven instruction. Much has been said about the legal battle being waged in Arizona to dismantle the La Raza studies program in the state’s public schools.²⁶ However, in *The Latina/o Academy of Arts and Sciences: A Political and Epistemic Challenge to the American Academy of Arts and Sciences*, Professor Taylor-Garcia turns her attention to the attack on Chicano/Latino and Ethnic studies programs at the university level, a matter equally as important that has not garnered the same publicity.

Professor Taylor-Garcia is particularly concerned about the control of knowledge production as an exercise of Eurocentric hegemony within academia.²⁷ She identifies the Latina/o Academy of Arts and Sciences as a key weapon for scholar-activists in the battle being waged against Ethnic Studies.²⁸ In her essay, she identifies several goals that the Latina/o Academy of Arts and Sciences could accomplish. Among them: the intellectual space to affirm the

<http://www.saltlaw.org/blog/2011/05/18/first-year-law-justice-in-the-classroom-beyond/> (last visited Mar. 13, 2012).

25. SpearIt, *supra* note 9. In addition to formal mentoring such as the JFDW that gave birth to this cluster, there are numerous informal opportunities to train law teachers. SALT has also expanded its mentoring efforts to help aspiring law teachers break into the academy. SALT has held such programs across the country, including in Fort Lauderdale, Chicago, the Twin Cities, and Orange County, California. For more information on the New Teachers Pipeline programs hosted by SALT, see SALT, *New Teachers’ Pipeline*, <http://www.saltlaw.org/contents/view/breakingin> (last visited Mar. 13, 2012).

26. See, e.g., Stephen Ceasar, *Arizona Educators Clash over Mexican American Studies*, L.A. TIMES (Nov. 20, 2011), <http://articles.latimes.com/print/2011/nov/20/nation/la-na-ethnic-studies-20111120>.

27. Daphne V. Taylor-Garcia, *The Latina/o Academy of Arts and Sciences: A Political and Epistemic Challenge to the American Academy of Arts and Sciences*, 48 CAL. W. L. REV. 481 (2012).

28. *Id.*

interdisciplinary scholarship pursued by critical Latina/o intellectuals.²⁹ The Academy could also redefine the role of “arts and sciences” and help it evolve into “a brain trust that insists on the fundamental epistemic challenges that Latina/o Studies and Ethnic Studies embody.”³⁰ Further, a Latina/o Academy could strip the advantage that “[b]ourgeois patriarchal Eurocentrism” has enjoyed among scholars for the past few hundred years and allow others to find their own place in the academy.³¹ Having a place to explore “otherness” is an essential inquiry in any academic setting.

More than fifty years ago, Hughes recognized the significance of “otherness” in the classroom. He wrote: “I guess being colored doesn’t make me NOT like / the same things other folks like who are other races / So will my page be colored that I write? / Being me, it will not be white.”³² By celebrating, rather than minimizing, the

29. *Id.*

30. *Id.*

31. *Id.*

All scholars write from particular standpoints, even when making claims to dominant definitions of objectivity, and organizing under the rubric of a Latina/o Academy provides a space where we can think critically about our history and experience as coming from former Spanish colonies and now living in the United States. It would foreground the legacy of Spanish colonialism in an Anglo colonial context, thereby complicating existing discourses and narratives about ‘our place’ in a settler colonial context.

Id.

32. As a prominent player in the Harlem Renaissance, a period during the 1920s that showcased African-American writers and intellectuals, Hughes’s particular poem is focused primarily on the distinctions drawn by race, especially the experience of African-Americans living in America. See Stephen Matterson, *1920s-Mid-1930s Harlem Renaissance*, AM. NOVEL (Mar. 2007), <http://www.pbs.org/wnet/americannovel/timeline/harlemrenaissance.html>. However, Critical Race theorists have long been committed to addressing “outsiders” in various contexts, such as the class, ethnicity, gender, race, and sexuality spectrums. See Olympia Duhart, *Soldier Suicides and OutCrit Jurisprudence: An Anti-Subordination Analysis*, 44 CREIGHTON L. REV. 883, 893-94 (2011). OutCrit jurisprudence is the legal studies and discussions advanced by scholars and activists who seek to affiliate themselves with marginalized groups. See Francisco Valdes, *Outsider Jurisprudence, Critical Pedagogy and Social Activism: Making the Stirrings of Critical Legal Education*, 10 ASIAN AM. L.J. 65, 66-67 (2003). Theorists also consider the intersection of these traits in many forms. “Individual and group clients often present these traits in multiple, overlapping variations that are difficult

differences in identity, students and teachers in the classroom can honestly approach the learning environment. Such candid examinations may build bridges to mark commonalities, and cement the ground upon which other instruction can take place.

Finally, the third installment included in the pedagogy cluster models the unconventional techniques for critical pedagogy advocated in the collection. Caroline Joan “Kay” Picart takes a two-part approach to her contribution, *Colloquium Proceedings: Critical Pedagogy, Race/Gender & Intellectual Property*. In the first part of her essay, she makes effective use of narrative storytelling technique to bring the readers into her experiences at the LatCrit conference. In the second part of her essay, she demonstrates that critical pedagogy is truly a boundless enterprise; it can be an objective for all law professors, not merely an avenue for exploration limited to those few fortunate enough to teach a race, gender, or sexual orientation boutique course.

In the first part of her essay, Picart transports us into the Friday morning session,³³ “On Pedagogy: Critical and Progressive Teachers in the Classroom.” The presentation describes in detail her experiences at the Ninth Annual LatCrit-SALT Junior Faculty Development Workshop, held in conjunction with the LatCrit Conference.³⁴ Her work constitutes an example of progressive pedagogy in action, the use of the narrative technique. Narrative has been deployed among Critical Race scholars as an invaluable tool for bringing to life the often ignored aspects of the lives and experiences of “outsiders.”³⁵

to unwind and disentangle. The traits may complement one another in unifying identity or collide against each other in fragmenting identity.” Anthony V. Alfieri, *Post-Racialism in the Inner City: Structure and Culture in Lawyering*, 98 GEO. L.J. 921, 936 (2010).

33. The panel presentation described in Picart’s piece took place October 7, 2011, as part of the Ninth Annual LatCrit-SALT Junior Faculty Development Workshop in San Diego, California. The annual workshop immediately precedes the LatCrit program.

34. This annual workshop is aimed at critical, progressive, and social justice oriented professors. It is designed for contract, pre-tenure professors, including clinicians and legal writing professors. Those who may be contemplating a teaching career are also welcome.

35. See generally RICHARD DELGADO, *THE RODRIGO CHRONICLES* (1995). In a

It is precisely the same narrative technique employed by Hughes as he carries us on a journey with his narrator, who is making his way home as a student who suddenly realizes he is out of his element in a New York college. The narrator's winding journey home is an extended metaphor of sorts for the narrator's attempts to bridge two very different worlds. As Hughes writes in the second stanza:

I wonder if it's that simple?
 I am twenty-two, colored, born in Winston-Salem.
 I went to school there, then Durham, then here
 to this college on the hill above Harlem.
 I am the only colored student in my class.
 The steps from the hill lead down into Harlem
 through a park, then I cross St. Nicholas,
 Eighth Avenue, Seventh, and I come to the Y,
 the Harlem Branch Y, where I take the elevator
 up to my room, sit down, and write this page.³⁶

groundbreaking departure from the traditional law review format, Professor Richard Delgado makes use of the narrative technique. *Id.* He creates the fictional character "Rodrigo"—the son of an African-American serviceman and an Italian mother—to engage with a fictional professor of color and have a series of discussions on law; the topics have included law and economics, civic republicanism, essentialism and anti-essentialism, and black crime, among other things. *See id.*; *see also* Devon Carbado & Mitu Gulati, *The Law and Economics of Critical Race Theory*, 112 YALE L.J. 1757, 1784 (2003) (defending the use of narrative, especially in Critical Race Theory, as expanding a set of methodologies to "articulate concerns about race and equality"); Richard Delgado, *Rodrigo's Final Chronicle: Cultural Power, the Law Reviews, and the Attack on Narrative Jurisprudence*, 68 S. CAL. L. REV. 545, 546 n.3 (1995); Hugh Mundy, *Rid of Habeas Corpus? How Ineffective Assistance of Counsel Has Endangered Access to the Writ of Habeas Corpus and What the Supreme Court Can Do in Maples and Martinez to Restore It*, 45 CREIGHTON L. REV. 185, 195-96 (2011) (employing narrative to highlight social justice issues in the criminal justice arena). In addition, the esteemed Professor Derrick Bell also demonstrated the strength of legal storytelling. *See* Derrick Bell, *The Power of Narrative*, 23 LEGAL STUD. F. 315, 317 (1999). *But see* Daniel A. Farber & Suzanna Sherry, *Telling Stories out of School: An Essay on Legal Narratives*, 45 STAN. L. REV. 807, 809, 840, 851 (1993) (critiquing the value of legal storytelling as legal scholarship).

36. THE COLLECTED POEMS, *supra* note 1. Though Hughes spent a year at Columbia, the college described according to this description is actually the City College of the University of New York. *Id.* at 675 n.409.

While the narrator in *Theme for English B* focuses on the geographical journey he must travel to move from one world to another, Picart also explores the emotional and intellectual distance students and professors must cover to find common ground. She recounts the trials shared by a professor judged for his appearance,³⁷ and praises the innovative teaching style used by a professor determined to make the law school experience less intimidating for her students.³⁸

The second part of Picart's essay makes the point for us that all law school classes will benefit from a critical stance and progressive approach. Through a discussion of her own scholarship interest in its nascent stages, she demonstrates that critical pedagogy is not confined to the Race Seminar or the workshop on Feminist Jurisprudence. Rather, she reminds us to think outside the box as we craft material that seeks critical examination of all facets of the law. Picart, for instance, delves into intellectual property law with an exploration of "whiteness, copyright, and choreography in the history of American dance."³⁹ Specifically, her research "examines the interplay of race, gender, and class in the construction of the legal invalidity of Fuller's and Graham's attempts to control their choreographic creations."⁴⁰

Progressive scholars and teachers are increasingly working to push the door of critical race studies wide open, and into the reach of a broader range of subjects.⁴¹ Moreover, through the expansion of

37. Professor Kevin Maillard has been the subject of student evaluations and anonymous gripe websites that "seem to comment on everything but his pedagogy," according to Picart. Caroline Joan "Kay" Picart, *Colloquium Proceedings: Critical Pedagogy, Race/Gender & Intellectual Property*, 48 CAL W. L. REV. 493 (2012). He responds with "disarming wry humor." *Id.*

38. Professor Rose Cuison Villazor makes use of a gaming format to review property cases that connect with race-related issues. *Id.*

39. *Id.*

40. *Id.*

41. Not only are traditional doctrinal classes rich foundations for critical examination of familiar topics, but skills and legal writing classes also provide many avenues to showcase progressive teaching methods and concerns. Professor Kim Chanbonpin, for example, has creatively developed ways that "outsiders" can become "insiders" through the use of hip-hop as a teaching tool in the legal writing classroom. See Kim D. Chanbonpin, *Legal Writing, the Remix*, SALT LAW, <http://www.saltlaw.org/blog/2011/10/03/legal-writing-the-remix/> (last visited Mar.

publications that emphasize a critical approach to instruction, law professors are better equipped to inject a social justice theme into almost any course.⁴²

In conclusion, it is impossible for law students or law teachers to shed their identities at the schoolhouse gate.⁴³ Each of us brings to the classroom, every day, our life experiences, biases, limitations, and expectations. Our perceptions of who we are and how we fit into the world necessarily inform our instruction. The same is true for law students. Nevertheless, the challenge remains to balance our identity formations with a legal education that will shape lawyers with awareness of their roles as public servants. Recognizing the paramount role that identity plays for both students and teachers should incentivize all of us to approach the law school classroom with a thoughtful, deliberate awareness. It means employing various teaching methods and stepping away from the safety of the podium, or finding a seamless way to infuse a discussion of class and gender into a contracts class, or taking the time to engage the class explicitly on the anti-subordination principles that can often get ignored in pursuit of the “black-letter law.” The authors in this cluster have given us much to think about as we search for ways to best use identity to shape our law school instruction in ways that serve, rather than destroy, justice.

As to the task of “knowing what is true for you or me,” Hughes says “it is not easy” work. But this difficult, complicated task of self-awareness is invaluable, especially for the progressive professor in today’s law school classroom. It is a blueprint for classroom justice,

15, 2012). “We . . . are privileged with the ability to create, open, and reveal alternative paths to gaining the expert, insider status valued in law practice. Using hip hop to teach ethical legal writing is only one approach.” *Id.*

42. See generally SOCIETY OF AM. LAW TEACHERS, VULNERABLE POPULATIONS AND TRANSFORMATIVE LAW TEACHING: A CRITICAL READER (Society of Am. Law Teachers & Golden Gate Univ. Sch. of Law eds., 2011); DOROTHY A. BROWN, CRITICAL RACE THEORY: CASES, MATERIALS, AND PROBLEMS (2d ed. 2007).

43. The allusion to *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) (stating that students and teachers “do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate”) is deliberate. In profound and important ways, the pursuit of progressive and critical pedagogy is about free expression.

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the preservation of respect for differences and the marriage of theory and praxis. Indeed, the struggles and strengths derived from honoring identity—especially in instruction—emerge from the conclusion of Hughes’s lyrical masterpiece: “As I learn from you / I guess you learn from me—[.]”⁴⁴ This is a lesson for us all.

44. THE COLLECTED POEMS, *supra* note 1.

