

How legal education will assault you as a woman

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INTRODUCTION

Of women in legal education it has been said:¹

[t]hey will all have the sensation of acid dripping slowly on their souls.

But caught in the agony, there is an answer:²

drop by caustic drop, a perfect cry
Shall string some constant harmony.

In drafting and redrafting this piece, I have moved from standing exposed, pelted and pitted by the acid, to a place where I can now just hear its intrusive insistence. The anger that seared in me has slowed but is as unsilenced as a siren. I have travelled through the dressage of drafts that undrowns anger into meaning, that allows me now to take you with me as a companion as I tell you about how legal education will assault you as a woman. If I and others tell enough of you then there will be a perfect cry, between women there will be a constancy, a harmony. How desperately we women need that, how much we need each other. We need to tender all our gentleness to the wounds wrought by this assault, we need to hear and feel each other's outrage more and we need to come together with the community and courage that will ultimately prevent the assault. Some of us know and feel the bitter pain of assault but our knowledge is borne alone and the bitterness pierces only ourselves until in our solitude we search even for our own sanity and daily salvage our survival.

Others of us are assaulted but do not even know it, and there are still others of us, be they women law students or women legal academics, who actually help to bolster the battery of other women. Whatever the category from which you read me, the assault is hurting us all, badly. There can be a triumph in this tragedy, but it will take all of us to find it, fashion it and fasten it.

For a woman to write about legal education at Victoria (the same probably applies to the Auckland, Canterbury and Otago law schools) is an inevitable blasphemy - an undressing of male academic reverence right down to its exposed, shivering sanctimoniousness. To many - mainly men with a few intellectually transsexual women legal academics thrown in - that accepted reverence is the beauty of a self-serving Babylon, but to women law students I believe it is a real bastard, an illegitimate

1 A Scales "Surviving Legal De-Education: an Outsider's Guide" (1990) 15 Vermont LR 139, 142.

2 H Crane "Legend" in D Hall (ed) *American Poetry* (Faber & Faber, London, 1969) 145.

bureaucracy that burdens and banishes their minds, spirits and souls. As I will explain, the substance and system of legal education expatriates you because it thinks and speaks only as men think and speak, not as women think and speak. Take heart, there is good enveloped in the folds of that infertile environ; it means that there is hope for legal education yet - if it is invaded by women who will in Ann Scales words, give it "a healthy infusion of grace".³ As women in legal education, there is precious little more that we can lose but there is a great deal to be won, for us and because of us, and for legal education.

What does "legal education" mean? It encompasses:

- 1) the grandfather - "male legal reasoning";
- 2) the progeny - the substance of the individual subject areas such as Criminal Law, the Law of Torts, and so on;
- 3) how the individual subjects are taught; and
- 4) the law school "culture" which includes how staff stifle students and other issues such as how some women manage to kneecap other women at the same time as they are being kneecapped themselves.

I THE GRANDFATHER OF LEGAL EDUCATION - "MALE LEGAL REASONING"

For women, the truth - reality captured quintessentially - is an alliance of the heart with a statement of mind. We women should never settle for less than the truth or for a "truth" that does not accord with what we really know, no matter how harsh the hemisphere called "legal education" in which we find ourselves.

In insisting upon the truth, which is not the same as the law, we will rattle all the bones that just refuse to be buried - the men who dominate law faculties. To men, "reality" is too often a curiously ethereal and neutral quantity, an abstraction that serves only to promote their programme of self-perpetuating prejudice that is an auditorium for their voice and their experience, not women's. As Catharine MacKinnon says, men define reality, not women. Men define the law, not women.⁴

Dichotomy is central to male legal reasoning. It is the heartbeat of the adversarial legal system. There is a prosecution versus a defence, a plaintiff versus a respondent, and ultimately there is a right versus a wrong. How immune this straightjacket is to real life - to the truth as women know it. (I will expand upon women's "truth" below when I discuss the work of Carol Gilligan). Real life conducts itself in shades of grey, in a huge spectrum of hues, it does not parade only in pure black and pure white. Only men could believe that life is so convenient. After all, life is a damn sight more

³ Above n 1, 161.

⁴ C MacKinnon "Feminism in Legal Education" (1989) 1 Legal Education R 85, 87.

convenient for men than it tends to be for women. It is a fatal irony that it is men who claim to be the architects and most accomplished practitioners of a purportedly complex methodology called "legal reasoning" when all it really is is a proposition that everything must be either black or white, right or wrong. It is not just women who lambast "legal reasoning". As Aubert puts it succinctly:⁵

The reason why law can answer all questions, albeit in a specific and restricted way, is that it creates its own reality. It does not permit any problems to be legitimately raised other than those it can answer.

It is unfailingly amusing to hear how male legal academics justify the straightjacket. This they do mainly by rechristening it as "consistency", "stare decisis", "orthodoxy". As MacKinnon notes, stare decisis or precedent has been constructed in a system which excludes women. Men define reality, not women.

The law also often insists that we dress up reality. For example, it insists that we publicly dress up sex shops by calling them "massage parlours". This dressing up dismisses rather than merely distorts reality. We should find this insistence as unsurprising as it is, given that legal reasoning always dresses itself up in the garb of "objectivity" which implies the sound, decent underwear of neutrality and science. Something "objective" is rational and beyond reproach. Handily, it is also an inevitable outcome of reason and is thus unimpeachable. How can you challenge something that just "is" because that is what it must be? It is the unreproachable opposite of the subjective which is unreliably individuated as it splashes about in surges of passion and personality. The subjective rollicks and rambles, the objective reasons and resolves. I am afraid that you really do have to swallow hard here. After all, surely it is individuals or "subjects" who originated the "objective" and surely it is subjects who get to say what is "objective". I could grow really tired of this silly (male) game.

MacKinnon states that "objectivist epistemology is the law of law ... the rule form ... institutionalizes the objective stance as jurisprudence".⁶ Women studying law are part of the furniture of law's existence - its mirror. For independence or originality of thought there is no room at this inn and it requires little thought to see why law is called a discipline - its paradigm, "objectivist" legal reasoning is a simple straightjacket.

Male legal reasoning is in its relation to reality centrifugal, whereas women's truth is in its relation to reality centripetal. Male reasoning abandons reality, women's truth acknowledges it. Where male legal reasoning reorders and rescinds reality, women's truth is securely seamed by reality which we soothe by simple acceptance of the subjective. There is a major difference here.

Carol Gilligan (a psychologist whose work has been integrated into the work of some centrist feminist legal theorists) addresses that major difference. She argues

5 V Aubert *In Search of Law* (Martin Robertson & Co, Oxford, 1983) 78.

6 C MacKinnon "Feminism, Marxism, Method and the State: Toward Feminist Jurisprudence" (1983) *SIGNS* 635, 645.

persuasively that women have a "different voice", that is, intrinsically different from that of men. Essentially, Gilligan says that women's voice is about care and responsibility, while the male voice is about justice and reasoning (or, in the terms I employed above, about "dichotomy" and "objectivity").⁷

For Gilligan, and for me, the consequences of there being a "woman's voice" which is different from a "man's voice" is that women tend to look for solutions to human problems that are inclusive solutions, while men operate at an objective level of detachment, the effects of which are exclusionary. The "different voice" can be heard to a degree in some men but it is made very faint by socialisation, while that same process preserves and promotes the care orientation in women. Gilligan argues that masculinity is defined through separation, whereas femininity is defined through attachment. What does this mean for women? It means:⁸

[s]ensitivity to the needs of others and the assumption of responsibility for taking care lead women to attend to voices other than their own and to include in their judgement other points of view.

This is an embracing or selfburdening of concern that is many human hemispheres removed from the binary bureaucracy of male legal reasoning. For women, the question is not "are you in or out", "right or wrong?" but "are you okay?" In practice, this difference sparks scorching dilemmas for women such as that experienced by the woman lawyer Hilary whose story is recounted in *In a Different Voice*. Hilary's opposing counsel in a trial overlooked a document that provided crucial support for his client's "meritorious claim". Wrecked with indecision as to whether she should tell her opponent or not, she:⁹

realized that the adversary system of justice impedes not only "the supposed search for the truth" but also the expression of concern for the person on the other side. Choosing in the end to adhere to the system, in part because of the vulnerability of her own professional position, she sees herself as having failed to live up to her own standard of personal integrity as well as to her own moral ideal of self-sacrifice.

In all the descriptions of the women who feature in *In a Different Voice*, identity emerges from, and is defined by, relationships, and is judged by a standard of care and responsibility. For men, Gilligan argues, the tone of identity is different - more direct and sharp-edged. For men, relationships are not portrayed in the context of self-description.¹⁰ While men perceive powerful activity as assertion and aggression, women portray acts of nurturance as acts of strength. The vocabulary of women's different voice enunciates the wish not to hurt others and hopes that in morality lies a

7 E DuBois and others "Feminist Discourse, Moral Values and the Law - a Conversation" (1985) Buffalo LR 11, 39.

8 C Gilligan *In a Different Voice: Psychological Theory and Women's Development* (Harvard University Press, Cambridge, Mass, 1982) 16.

9 Above n 8, 135.

10 Above n 8, 160.

way of resolving conflicts so that no-one will get hurt. That voice defines the self and declares its worth on the basis of the ability to care for and protect others.

Here we must return to the remarks I began with in discussing the grandfather of legal education - male legal reasoning. For me as a woman, legal reasoning does not mean the truth, rather, it is a contrivance that subordinates the asymmetry of being human to the symmetry of form - the objectivist epistemology of male legal reasoning. To me it is not the truth for another reason - how come it is male "subjectives" or individuals who get to say what is "objective" and universal? At the end of the day, all the "objective" is, is a subjective announcement of it - unfortunately an announcement generally made by men. Gilligan catches all of this with enviable eloquence and expansiveness:¹¹

As we have listened for centuries to the voices of men ... so we have come more recently to notice not only the silence of women but the difficulty in hearing what they say when they speak. Yet in the different voice of women lies the truth of the ethic of care. ... The failure to see the different reality of women's lives and the failure to hear differences in their voices stems in part from the assumption that there is a single mode of social experience and interpretation. By positing two different modes, we arrive at a more complex rendition of human experience.

In short, we would arrive at the truth.

Other expositions of legal reasoning by feminist legal theorists are sharper edged than Gilligan's socialisation-crafted "different voice" explanation. Catharine MacKinnon, for example, regards this "different voice" as inauthentic, as a ruse whereby men will simply continue to rule the world. As MacKinnon puts it with magnetic force, there is no such thing as a woman as such, there are only walking embodiments of men's projected needs.¹²

MacKinnon's gloriously unequivocating blast, like the trumpeting of the angels on judgement day, makes Gilligan sound like the wholesome pre-pubescent humming of Louisa Alcott's *Little Women*. MacKinnon is in contrast a perambulating arsenal - her position is powered by a piston-like quintessence: "as I see it, if bottom is bottom then look on the bottom, and that is where women will be."¹³

To MacKinnon, Gilligan's "different voice" could simply be the "feminine" voice that articulates the domination by men that has created it in the first place; it may not be authentically female. However, even if Gilligan is the Anne of Green Gables in feminist thought, she does identify objectivity as a key feature in the way men think. MacKinnon takes to objectivity with the gathering haste of a sledge-hammer searing through space from a great height. She says that "feminists have exposed objectivity as

11 Above n 8, 173.

12 C MacKinnon "Femism, Marxism, Method and the State: Agenda for Theory" (1982) SIGNS 515, 534.

13 Above n 7, 71.

a figleaf of misogyny".¹⁴ MacKinnon is no lone sledge-hammer. Ann Scales also argues that men dominate women through the norm of objectivity and the process of objectification by using the linguistics of dichotomy:¹⁵

Both excise the substance of life - including real instances of systematic oppression - and leave only a formal, abstract account of life, which claims to be the only legitimate account In the white male taxonomy of which law is the perfect flower, everything that happens is supposed to be either in or out of a category These false dichotomies are pervasive and powerful.

How do men justify the lie that legal reasoning really is? Not particularly well:¹⁶

Fragile as reason is and limited as law is as the institutionalized medium of reason, that's all we have standing between us and the tyranny of mere will and ... unbridled, undisciplined feeling.

But surely our will and our feelings are the mass and measure of our human being? If they mean tyranny then roll out the tyranny; sound the drums and let it begin.

How I feel as a woman who has been taught "legal reasoning" is essentially to feel assaulted by everything I do not want. I do not want to think in a way that refuses to acknowledge that I also feel and I do not want a male person telling me what is the impersonal, objective "truth", defined by a male person. Most of all, I refuse to believe that legal reasoning must be like a giant extractor fan or exhaust system that has to suck up and hurl out the human part of being human so that it can dress up as "objective".

The final point I want to make about "legal reasoning" is that it is not just the revenue of rumination. It is painful practice, not just innocuous theory. It impacts directly on who gets to succeed in law because that success is predicated on surviving four years of it. Given that legal reasoning is scarcely better than a fascist fiction, this is a human catastrophe.

II THE PROGENY - THE SUBSTANCE OF INDIVIDUAL SUBJECT AREAS

When studying law you will need to keep prodding yourself just to remind yourself that as a woman you do in fact exist. Much of the substance of individual subjects is premised upon your not existing. The law of contract for example, assumes an equality of bargaining power that is simply fiction for most women. The law of torts is inhabited by the "reasonable man" who travels endlessly to and fro on the Clapham omnibus, occasionally overcome by a fever of conscience that propels the law of civil

14 Above n 4, 92.

15 Above n 1, 139-140, 153.

16 F Frankfurter *Felix Frankfurter Reminiscences* (Secker & Warburg, London, 1960) 19.

obligations an inch further on the road toward the fairness of one human being to another.

Leslie Bender spells out the impact of male legal reasoning on tort law - she is certain that legal reasoning is a mistake. Men, she says:¹⁷

have constructed an adversary system, with its competitive, sparring style [I]n many ways it is an intellectualized substitute for duelling or medieval jousting ... [it] is a win-lose performance full of one-upmanship and bravado [R]ather than regarding legal practice as fixed, we can question whether a competitive, win-lose approach is necessary and examine how it has been modelled in their own image. When we look anew for methods of resolving conflicts ... perhaps we could design alternative models that incorporate the perspectives of women and men.

Then there is criminal law and the law of evidence. Here you will find that the rape and sexual abuse of women is either ignored or misunderstood. Women's experience of rape and abuse is typed neatly and symmetrically across the pages of the New Zealand Law Reports, with every scream of its pain squelched out, leaving neither squeal nor simper in the clinical, cloistering pages of the Reports.

One day as I was sitting in an Evidence lecture, I seriously doubted if I inhabited the same planet as the men in that class. One man prefaced a question by referring to a woman he knew who had "gone out and got herself raped". This outbreak of ignorance went unremarked.

What about Family Law - I can hear you saying that this must be better for women because the family is so pivotal to many women's existence. As a preamble to the regime of the Matrimonial Property Act 1976, however, we were reintroduced to the North American notion of a woman who worked to put her partner through law school or medicine being awarded a portion of his future earnings when the marriage broke up following completion of the husband's qualification. (This practice had already been mentioned in the course of Land Law, but not as a matter of any real moment.) What a good idea I thought - this sounds fair. I then listened to that possibility being annihilated as unsystematically as the Mai Ly massacre. What if the husband's earnings increased, what if they decreased, what if he were made redundant, what if she married a wealthier man, what if the grass stopped growing, what if the sky turned turquoise, what if pigs started flying trans-Tasman? However, what if he were made to pay her just what she had paid to fund his qualification? When it comes to a fair deal for women, complications become catastrophes; when it comes to a fair deal for men, complications just become "exceptions" that can be accommodated, not cataclysms that are bound to collapse the entire legal system.

17 See L Bender "A Lawyer's Primer and Feminist Theory and Tort" (1988) 38 J of Legal Education 3; M Evans and R Mackenzie "From Siren to Siren: Some Counterpoint for Gender-Specific Injury and the Law" (1992) 8 (2) Women's Studies J 42.

As I said when I discussed the work of Carol Gilligan in the preceding section on "male legal reasoning", concepts like "fairness" are of great significance to women. Just when as a woman student you are transported by the conceivable translation of this concept into reality for women who have been unceremoniously dumped on, your rare journey of hope is terminated because there may be "some practical problems".

As well as butchering your optimism that for once women might be treated with fairness, you are assaulted as a woman here in another way as well. The lecturer's piercing of this potentiality is a paroxysm of power - you usually have no say, the wand has been waved and all you get to do is feel the breeze or cope with whatever lacerations it lands upon you.

Apart from the comments I have referred to briefly above, you will find most comment about women in the teaching of substantive law implicit rather than explicit. Worse still and more eel-like, most of the comment is even more subtle than implied. This assaults women law students in two distinct ways. If enough people ignore your existence and ignore it often enough you begin to doubt your own existence yourself. Imposed anonymity breeds annihilation - perhaps the worst assault of all upon you as a woman is that you do not matter enough to be a person.

The second way in which gender anonymity assaults you as a woman lies in what Catharine MacKinnon says - law presupposes equality of gender and thereby hides or silences the real inequality.¹⁸ Of course, as she adds, gender is also invisible because it is not a factor among men. How convenient. Invisibility breeds contempt and comfort.

The last but probably most important comment I will make on the substance of law courses is an exhortation - carry the freight and freedom of Gilligan's "women's voice" with you to all your law lectures. If you cannot hear that voice then speak it. Ask how the law affects women, keep on asking and if you think it treats us like dogs, say so. Gilligan's work is not just a concept, it is a code for practice, a catechism for change.

III HOW LAW IS TAUGHT - THE MALE METHODOLOGY

Generally, law is taught as one might teach a child. Preferably the child is compliant, not overly intelligent, not of inquiring mind and never challenging of authority. Children respond well to embarrassment in front of their peers, so the socratic method may well be a good fall-back for an absolutely talentless teacher.

This teaching methodology is also misogynist. Women law students too often feel painfully ill at ease in law classes, unwilling to speak for fear of ridicule by male lecturers and male students alike. For a male student to say something off the wall is almost a likeable bravado - one of the happy choruses sung gleefully by "one of the boys". For a woman to say something or ask something that does not slot into the rivets of male parlance is to risk painful humiliation.

18 Above n 4, 87.

For a woman student to risk a reference to emotion or, God forbid, fairness, rather than to the male straightjacket of unelaborated "fact", torn of every shred of the human circumstance from which it arose, is a heresy and seems to be rewarded by programmed humiliation. As KC Worden says, legal education is about headnotes, naked of context, omitting the facts that spawned the case being considered.¹⁹ Legal education aborts life, it abandons the very anatomy to which its response is sought. It is an existential desert and for women, an aching intellectual poverty. In the words of Ann Scales, women law students are "existentially starved to death for law school is a very specialised diet".²⁰

It is impossible to disagree with Catharine MacKinnon's enumeration of the anti-women characteristics of this methodology:²¹

- 1 In legal education disrespect for what women have to say is systematically communicated by tactics of intimidation (sometimes these tactics are used by male students hissing at women lecturers and students when they speak in class); and,
- 2 the socratic method is not Socrates' dialogic method of knowing what one knows not, rather it is premised on humiliation and its dynamic is fear.

I cannot disagree with these or any other of the characteristics described by MacKinnon. Those characteristics are a call to arms for all women in the law - they are a clarion call to shake legal education apart until the bones of the dinosaur that it is collapse into a buriable heap at our feet.

IV THE CULTURE OF LEGAL EDUCATION

This culture has a number of discrete but ultimately colluding women-negative elements:

- 1 The relationship between men and women law students;
- 2 the attitude of Faculty staff to law students and the lack of accountability of Faculty staff; and
- 3 women law students who are busily helping kneecap other women students without even knowing that at the same time they too are being kneecapped.

A *The relationship between men and women law students*

I remember in 1990 hearing all about "unconscionable bargains" in Equity and the Law of Succession and thinking how this brave new frontier would help women in de

19 KC Worden "Overshooting the Target: a Feminist Deconstruction of Legal Education" (1985) 34 Am ULR 1141, 1147.

20 Above n 1, 142.

21 Above n 4, 85.

facto relationships unprotected by regimes such as the Matrimonial Property Act 1976 (such a concept would effectively give women in de facto relationships some property rights). In the same course, some women students objected to being timetabled to complete the compulsory mootng requirement at times such as 5-00pm when they had childcare demands to meet. I will never forget the hissing that came from many of the male students when these women spoke about this in front of the class of 200 students.

To this day I cannot digest what seemed to me to be the cruelly coagulated irony of one male student (who was an officer of the Law Students Society which was supposed to represent the interests of *all* law students) who commented that we were there to learn about equity, not to listen to women students with childcare problems. Wait a minute, what does the word "equity" mean? What was that about women and unconscionability? As if this contagion of misogyny were not enough, the lecturer agreed to end the class two minutes early so as the problem of these women could be discussed. Yes, two minutes - that was the measure of equity for those women.

There are too many examples of men students maiming women students to burden this paper with. I grew really angry at tired, trite, little tirades by them such as "its a tough world out there". It is men who make the world that way and I know that as far as women are concerned, Catharine MacKinnon is dead right: "if bottom is bottom then look on the bottom and that is where women will be".²²

B The attitude of faculty staff to law students and their lack of accountability

How well I remember complaining (along with another woman law student) about the performance of my small group teacher, which I felt was simply appalling. After a litany of complaints to the Victoria Law Faculty, the Dean agreed to release us from this small group and complete the subject in the large group (every law student at that time had to complete one of the second year subjects in a small group). By the time the Faculty agreed to this, it was the end of the first term so we were severely disadvantaged by the amount of material we had to make up in terms of the large group's work (the small group and large group although covering the same subject, had quite different content and methodology). Despite the fact that we were not to blame for this, the Faculty forced us to sign a letter to the Dean saying that we would take no action against it if we failed that subject at the end of the year.

As if this were not bad enough, when I was completing my small group requirement in a completely different subject in a later year and I complained about the assessment of my first written assignment, I received a letter from the small group teacher involved which stated that I had "wrecked havoc" in the small group from which I had been allowed to withdraw and that he had no intention of letting me "wreck havoc" in his small group. ("Wrecking havoc" requires translation - it means complaining to the Faculty about its staff).

22 Above n 7, 71.

There is no question that in terms of being assaulted by the "legal educators", these two incidents nearly broke me apart. I did not believe that the pinnacle of the Faculty hierarchy could act with such utter indecency. They did. In virtually the same breath, one spoke of how we students should act in a "lawyerly" way. The assaulting of women students by legal educators happens simply because in some cases the power of Faculty members vastly exceeds their conscience and decency. Treat this type of assault as you would treat any other. Complain to the student association, complain to the university hierarchy, complain loud and long until you are heard.

Women Law Students - the Kneecapped Kneecappers

There are Dolly Parton women law students at Victoria. These are the Country Road, Beders and L'Esprit women who singe themselves into the system, confident that playing the game will win the match. Well sisters, unless you fancy being a well-manicured manequin, you will not win the match. The system that you subscribe to will always insist on silencing you. It will enjoy seeing you, it will use you, then it will abuse you.

Let me tell you what the system you so deliciously subscribe to will do to you. Marilyn French tells the story very well. Oriane gave her life to her husband Sean. Oriane had to have a mastectomy: ²³

I'm not going into detail about what happened to Oriane, although I will tell you that after they cut off her breast, Sean went to see her in the hospital and turned his beautiful face away with disgust.

"Don't let Timmy see that thing when you get home", he said with a twisting mouth. "It's disgusting".

He shouldn't have worried. When she got home, she committed suicide. Not his fault, though: she just shouldn't have loved him as much as she did, shouldn't have let his opinion matter so much to her. Should. Shouldn't. For every great woman I know now, there's an Oriane ... Someplace.

Size up the system sisters, before you are silenced by your own sequined existence. Start subscribing to yourself, not a man's idea of yourself but to your real self. And think of the women who care to say this to you and what being a woman means, especially in a state of seige which is the status of legal education for women. Hear the woman's voice, better still speak it as you mean to live it.

V CONCLUSIONS: WOMEN AND THE FUTURE OF LEGAL EDUCATION

It is hard, so very hard, when you are in there as a woman law student striving to survive. But, survive you must - that is your priority but should never be your excuse

23 M French *The Women's Room* (Sphere Books Ltd, London, 1978) 269.

for doing nothing. If you have the resolve and the fortitude to question and reject, cushion the fall-out with the compassion that companion-women weave amongst each other, even without words between them. As Scales puts it:²⁴

Taking a stand and saying what you really see is a tough assignment. When anyone who is committed to liberation does that, love her for it. ... [To survive] requires much more than learning, savvy and endurance. It requires enormous vigilance and endurance. It requires caretaking - of yourself and each other. It requires a healthy infusion of grace.

As women we must also think harder, lose patience more easily than we are expected to and find courage of infinite conviction. As Scales laments, the increase of women in law schools has not changed law schools and those law schools, including yours, badly need change, now. You need the change for you, and as for the rest of us, men and women, the law needs the change. Let's start at the beginning with legal education.

As we began, so we end,

drop by caustic drop, a perfect cry
Shall string some constant harmony.

I said to you at the beginning that I would take you with me as my companion as I told you how legal education will assault you as a woman. I let you inside my night after night of bitter, solitary anger about the assault that legal education was on me.

To women in the law who think they stand equal with men and sense the sun of its system on their backs, take care. Firstly of yourselves, because that sun will go down on you. Secondly, of the women who are begging you to open your eyes - with eyes closed so resolutely, you can never see the new dawn that all women need as surely as the most arid desert needs a deluge. When women speak, in their own voice and insist they be heard, that will herald the new dawn. Now is the time to speak. To lose this moment will be to lose far, far too much - it will be a sure surrender to another season of starvation, another silent sacrifice.

There is a tide in the affairs of women,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows, and in miseries.
On such a full sea are we now afloat;
And we must take the current when it serves,
Or lose our ventures.

Adapted from Julius Caesar, Act IV, Scene III.

24 Above n 1, 161.