

## THE CHOICE TO STAY IN THE “PINK GHETTO”

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Last summer, Kanye West infamously declared “slavery was a choice.”<sup>1</sup> The backlash was swift and fierce, rightfully so. No one would choose to be a slave or three-fifths of a person. The physical brutality, mental trauma, and dehumanization experienced by enslaved Africans effectively eliminated all symbolism of choice regarding freedom. But Kanye’s comment brought to light an unfathomable line of questioning that lurked in the deep places of my mind. Questions I would not ask my circle of progressive, educated, “woke” friends. Why does it take marginalized groups so long to make significant advances in society? Are these groups making a choice to remain subjected to inequity by their consistent failure to quickly mobilize and dismantle the system? Why not just burn it all to the ground? Initially, I thought about these questions as they related to marginalized and disenfranchised groups like African Americans and women. These questions, now etched in my mind, became transferable to the professional status of legal writing faculty in the larger context of academia.

During the 2018 LWI Biennial Conference, I attended a Scholarly Research/Works in Progress session entitled “Pink Collar Pedagogy.”<sup>2</sup> The presenter was Assistant Professor of Legal Writing Rachel H. Smith. Her research focuses on how the combination of low status and low pay intersects with the notion that legal writing positions require “feminine” or “motherly” characteristics, such as the giving of service, care, and attention to others. I realized that my questions might be transferable to another marginalized group.

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<sup>1</sup> *Kanye West: The Full Episode*, TMZ Live (May 2, 2018), <http://www.tMZ.com/2018/05/02/tMZ-live-kanye/>; see also Harmeet Kaur, *Kanye West Says 400 Years of Slavery Was a Choice*, CNN (May 4, 2018), <https://www.cnn.com/2018/05/01/entertainment/kanye-west-slavery-choice-trnd/index.html>.

<sup>2</sup> LWI Biennial Conference, Milwaukee, Wisconsin (July 13, 2018).

At this point, I should disclose my status as a newcomer to academia. I am entering my second year of teaching. Before I entered academia, I had a naïve view of law professors. I assumed the academy was full of intelligent and enlightened former lawyers who were working collectively to provide effective legal education to students. Essentially, I had a kumbaya perspective on the academy. When I received the offer to teach legal writing at Penn State Dickinson Law, I was truly ecstatic. I knew that law teaching positions were competitive, and I received a warm and inviting welcome from my new colleagues. I was truly unbothered by the differences between tenure and contract faculty, until I began to really grasp what those disparities meant.

During my first year of teaching, I became more familiar with the existing hierarchies and inequities in status and pay for legal writing faculty. And, as I listened to and processed Professor Smith's presentation, those unsavory questions came flooding to the forefront of my mind as they related to legal writing faculty. Have legal writing professors chosen to remain subjected to a low status by failing to declare anarchy against the hierarchical structure of the academy? Are we as a community comfortable with the status quo because we fear the unfamiliar and non-requisite territory of scholarship? And, honestly, why is it taking so long to achieve status and pay equity? But, the more I began to engage with the legal writing community, the clearer the answers became. Are we comfortable with the status quo? Absolutely not, but change is strategic and takes time.

Like the pervasive systemic policies that have permitted racism and sexism to thrive in this country, the hierarchical challenges facing the legal writing community are imbedded into the governing system. While ABA Rule 405(d) is a small step in the direction of equity, it has codified the ability of the academy to maintain a system that is procedurally and substantively unequal.

Professor Smith's research also opened my eyes to the personal reality that what I enjoy most about teaching legal writing are those "mothering" aspects: the giving of service, care, and attention to my students. Based on the shifting direction of legal education toward increased assessment of students,<sup>3</sup> it might prove useful for the legal writing community to claim ownership of those characteristics as a pedagogical foundation within the discipline, instead of accepting the association of those qualities as innately "feminine" and of lesser

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<sup>3</sup> See generally Karen McDonald Henning & Julia Belian, *If You Give a Mouse a Cookie: Increasing Assessments and Individualized Feedback in Law School Classes*, 95 U. Det. Mercy L. Rev. 35 (2017).

worth. Reframing the narrative of these “mothering” characteristics as “effective teaching methods in the instruction of legal analysis” may assist us in collectively reaping the benefits of the increased valuation of these skills, as research and scholarship continues to show the usefulness of regular assessment and direct feedback.<sup>4</sup>

Ultimately, I have concluded that all reformations require steady and persistent foundation building and systemic dismantling from within. Time and change are inextricably linked. Instead of questioning why the legal writing community has seemingly made slow progress, I choose to roll up my sleeves and proudly begin adding to the work of those who have been for years, dismantling the walls within this “pink ghetto” and creating positive lasting change.

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<sup>4</sup> See generally Olympia Duhart, “It’s Not for a Grade”: *The Rewards and Risks of Low-Risk Assessment in the High-Stakes Law School Classroom*, 7 *Elon L. Rev.* 491 (2015).