

# **Transgressing to Teach: The ‘Becoming’ Law Teacher <sup>1</sup>**

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*“To begin always anew, to make, to reconstruct, and to not spoil, to refuse to bureaucratize the mind, to understand and to live life as a process – to live to become...”*

Paulo Freire<sup>3</sup>

The title of this paper is inspired by the book *‘Teaching to Transgress’* by bell hooks, writer, teacher, and insurgent black intellectual. She posits education as the practice of freedom. According to her, the most important goal of the teacher is, teaching students to transgress the racial, sexual and class boundaries to achieve freedom.

The focus of this paper is the self-reflection of this author while transgressing various boundaries defined by the conventional teaching approach, in the light of experiences. Experiential teaching as much as experiential learning is the inseparable component of an electrified, energized classroom. Here, effective teaching is bound up with authenticity in the voice, non-verbal and verbal communication skills and a deep learning. The teacher who transgresses the given boundaries is an evolving, ‘becoming’ teacher, whose being gets dynamic by experiencing the freedom. The transition may have striking similarities with the ultimate boundary-transgressing ‘Avadhoota’ phase of any great teacher (Acharya) in Hindu tradition or the wise silence of the Zen master as the ‘witnessing self’.<sup>4</sup>

What happens to the teacher while transgressing such boundaries? How does such a teacher overcome the traps of culture, gender, nationality and arm chair intellectualism? What is the impact?

The author has attempted to narrate the transgression of boundaries from ‘being’ to ‘becoming’ a law teacher, in the multiple intertwined contexts: of culture, gender, age, profession, nations, demography and disciplines. The author does not intend to claim this as the ideal, objective and exhaustive account. For the purpose of distinguishing each transition, the following sub-heads are used:

## **Liminality in Law teaching<sup>5</sup>:**

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<sup>1</sup> The term ‘Becoming’ is taken from the cultural studies, esp. on identity, on transition of identities, see, Gust A. Yep, 1999, *My three Cultures: Navigating the multicultural Identity landscape*, in Nakayama et al (ed.), *Readings in Intercultural Communication*, Wadsworth, New York, pp.79-85

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<sup>3</sup> As cited in bell hooks, 1994, *Teaching to Transgress*, Routledge, New York, dedication

<sup>4</sup> Those interested in more details, may refer various Web Resources.

<sup>5</sup> Liminality refers to being at a boundary or threshold. The term is used in Cultural Studies, to denote identity – transition. In this case, it refers to Author’s specific context of transcending the rural-urban identity threshold

Hailing from a rural area and having observed archaic methods of cattle-selling, the author has used some experiential examples while explaining 'offer' and acceptance' in dramatizing the quiet conversation between the seller and the buyer. In the annual cattle-festivals in the villages, the buyer and the seller interface each other in an expression-less setting, where the two cover their hands under a towel. The signs of offer and acceptance are communicated by pressing each other's corresponding number of fingers under the towel. The method of defining Privity in a huge market is unique.

The said example was a very engaging and entertaining entry point than reading out the sections of the Bare Act or rendering the by-hearted definitions from Anson's Law of Contracts. This provided insights on the non-formal law, thereby dispelling the superiority perspective in a literate, modern context. It would also serve as an example of transgressing urban literate bias yet critically reconstructing the legal understanding of both the worlds. Many such examples are traceable in tribal methods of dispute settlement, informal struggles against injustice, family business practices and so on. Transgressing the classroom to enter and experience the community, would enrich and simplify a law teacher.

### **Transgressing the cultural, national and senior citizenship boundaries:**

Cross-cultural landscape is difficult to navigate due to the complexity of issues and emotions involved. The author has undergone the transition in personal domestic context alongside the professional sphere. The complexity is further enhanced by the themes around which such experience has intensified.

The author recalls the conversation: 'Imagine those embryos, what if they are flushed out'

It was the center of imitation, humorous criticism being a suggestive theme for the morning coffee break in one of the European law schools where the author had engaged in teaching in the mid 90s. They were referring to their researcher-colleague's emotional outburst while referring to the interconnected issues of disposal of long term frozen embryos and their right to life.

Another angry and emotional outburst was by the undergraduate boys in their tutorials, where they vehemently supported 'unborn person's right to live'. Their reasons were in their heart and in faith, as much as in the selective favorable information that they had gathered. The author was not surprised to understand why abortion was outlawed in the said legal system.

Having come from a nation-state which aggressively campaigns for population control (termed as 'family welfare'), where abortion-availability was then advertised indiscreetly, where the fate of an unwed mother can be most cruel than a tortured war prisoner, the author's emotions and approach were context-specific. The context was politically pre-defined, though physically left behind. Bordering on skepticism and being judgmental (even to label it as 'fundamentalist', 'too archaic', 'against the female autonomy'), the author had to transgress these socio-political bias and cultural mind blocks to understand

and accept 'other' ways of knowing and believing and therefore, their advocacy. Only then, the classroom could neutralize to release the power of engaged learning, than distanced disturbed climate of extreme disagreement. A student later narrated how the author's approach had melted the rigid stance of some of her classmates into a meaningful enquiry. In addition, the practice of individual talk-time of the author with the students had revealed the physical and learning challenges in some mature students, only to the surprise of other colleagues.<sup>6</sup>

Further, the author has experienced a wise transformation of respecting the choice of the mother and of learning to respect the choice of those who oppose abortion, for whatever reason. The transformation is in understanding and accepting one's own limits. It is evident in all the following contexts.

In the same University, the author had taught development, human rights and gender courses. The site was the community/extension center. One of the themes was Domestic violence. The understanding of domestic violence in such an advanced country was shocking, as the author had gathered from the local counseling specialists<sup>7</sup>. Based on the feedback and data from the counselor, the author engaged the group in a consciousness-raising pedagogy. The experiences were pooled based on dialogical and group discussion methods. It centered on recall of problems faced and the solutions derived or proposed. Results were amazing. In every class, there were at least 4 out of 10, revealing their own experience of being the targets of such violence. Those who had divorced in their late fifties sharing the 'empty nests' lamented the time taken to muster their self-esteem somehow, to make that crucial decision to be freed from the agonizing past. Some had none to care for them and the extension center was the 'blessing' by facilitating a solidarity network. The approach and awareness of CEDAW<sup>8</sup> were perceived as empowering. The author was invited to their special community occasions and meeting.

Thus was the birth of an idea, of understanding and tackling domestic violence as the violation of human rights.

### **Pedagogy in Consciousness-Raising:**

When the author returned to India, the idea was shaped, with the help of an advocate-social worker friend, into a gender and law consultancy and training center.<sup>9</sup> As a preventive measure, the center had organized various legal literacy programs. One such instance was introducing fundamental rights (e.g. themes of exploitation, custodial violence) in a role-play mode to the teachers and social workers in a paralegal program in order to create barefoot lawyers. The center continues to work on its agenda. The author has mainly used the 'pedagogy of the oppressed'<sup>10</sup> and , 'consciousness-raising'<sup>11</sup>,

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<sup>6</sup> Interaction with the student had revealed that the poor response from a certain mature student was due to her challenged hearing.

<sup>7</sup> Dr Colm O' Connor, 1997, Family counseling Center, Cork, Ireland - *Interviews*

<sup>8</sup> The UN Convention on the Elimination of All forms of Discrimination Against Women, is hailed as the international convention on Human Rights of Women.

<sup>9</sup> Ms Merlyn Martis, Director, DEEDS, Mangalore, India – during 1999-2000

<sup>10</sup> Paulo Freire, 1970, *Pedagogy of the Oppressed*, Continuum, New York

approaches in a variety of training sessions in order to deconstruct the law for lay people and often, to challenge stereotypes that disempower them. In all such cases, the basic premise was the experience that the participant/trainee has shared or disclosed. The long term outcome is amazing, as some of the trainees including trainee students and entrepreneurs have attained a higher social mobility and economic empowerment by practicing and following up on their lessons. The CEDAW and the international learning brought closer to them in the vernacular language, have rendered meaningful fruits in enabling these girls, women and families. It has dispelled the fear and disbelief in law. It has strengthened the democratic cause by bringing law closer to the beneficiary.

### **Transgressing the Boundary of Disciplinary Studies:**

The author has further attempted to transgress the boundary of disciplinary studies while teaching law in a media school. The additional teaching in Political communication, international communication, Film and Audience studies, and cultural studies - has brought a rich perspective in transgressing the disciplinary boundaries. The engagement brought many lessons on the limits of the law and the power of communication in dispute resolution as much as in the blindness of the media to the law. It brought home the lessons on media advocacy as an effective resistance or strategy of struggle, feeding the community and feminist engagement of the author. The use of reportage analysis and movies to enable students to 'see' or 'spot' rights' issues was a great technique. The understanding of non-state actors and the location of the media within the state was enriched too. The research projects on Global Media Monitoring<sup>12</sup> and furthering of a cross-fertilized gender-media and rights literacy program have brought rich dividends. The most interesting teaching occasion was teaching the concept to a group of trainee pastors. Their liminality had transformed to merge in liberation into a new awareness.

Further, the author has offered resources in various teacher training and refresher courses. The noteworthy experience was of locating the emerging issues of IPR, technology and policy, where the author had presented the relevant scientific developments to set a background and justification for law and policy.<sup>13</sup>

### **The Rainbow, Symbiosis and the 'Becoming':**

The rainbow of these experiences has etched a new identity, a different self-definition to the author as the 'becoming' teacher – the teacher determined to evolve than remain rigid, determined to broaden the horizon by opening up to life long learning. It has given

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<sup>11</sup> It is an interactive collaborative process where collective experience sharing results in collective meaning-making. Catherine MacKinnon, who sees 'consciousness-raising as the major technique of analysis, structure of organization, method of practice, the theory of social change of the women's movement', its importance and practice are emphasized by many feminist legal thinkers, as cited in Katharine T. Bartlett and Rosanne Kennedy (eds.), 1991, *Feminist Legal Theory*, Westview, Oxford, pp.381-383 at 381

<sup>12</sup> This was taken up by Asian Network of Women in Communication headquartered in India, in 2000, sponsored by WACC, London

<sup>13</sup> UGC sponsored Refresher Courses for College Teachers, Mangalore University, India, Various (2001)

the courage to differ, dissect, deconstruct and to stand alone as a critic as one perspective informs the other. The possibility for an uncompromising stance on the face of injustice has infused new life and passion from time to time, in the otherwise monotonous ritual of teaching. It has rendered a compassionate approach, to 'become the other'<sup>14</sup> and to convert the pedagogy into an enjoyable, participatory and empowering learning experience.

At present, the 'becoming' cumulative experience of the author culminates in the Symbiosis Law School's leadership role. The Law school redefines quality as the combination of passion, compassion and innovation<sup>15</sup>. Being in the company of leading management institutions, the human resource management principles carefully nurture the excellence in legal education here. A strong social agenda, international outlook and incorporation of best practices characterize the credo. It is an experiment in justice education<sup>16</sup> with a constant urge to excel in teaching, learning and research.

As a Law teacher, in the newly defined globalization-corporatisation context, the author has engaged in an empowering pedagogy, both for the peers and the students, to evolve it into a self-directed learning experience. Recently, the author has attempted to inculcate community-based legal research and team projects with multiple opportunities for learning, while teaching courses on Law and Social Transformation and Research Methodology to the Post Graduate students. Further, she has adopted participatory methods including case discussion/simulation in Jurisprudence and Media Studies. Here, the quality enhancement is synonymous with inculcating life long learning, cooperative learning, deep learning, learning from real-life situations and transgressing the limits<sup>17</sup>. Limits of all sorts are visible in a rigid approach to law teaching. These are transgressed by a sound understanding of law teaching and to adapt to new approaches to learning. The Law school facilitates a semantic democracy in such understanding, being a far away home to many international scholars, who too have their share in the enrichment of the Law School.

The author hopes that these insights would inspire a law teacher to cultivate self-questioning and 'becoming', which could electrify the classroom even in the most exacting situations. Only then, could one '...live life as a process...*live to become*'<sup>18</sup>

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<sup>14</sup> Gust A.Yep, *supra*

<sup>15</sup> As expounded by Dr SB Mujumdar, Chancellor, Symbiosis International University, Pune, India

<sup>16</sup> National Knowledge Commission, *infra*

<sup>17</sup> Karen Clegg, 2008, *Playing Safe: Report*, UKCLE, Warwick University, and, National Knowledge Commission of India, 2007, *Report on Legal Education*, available at [www.nkc.in](http://www.nkc.in)

<sup>18</sup> Paulo Freire, *supra*, Note 3, emphasis added to denote an ongoing evolution.