

PRACTICING DIALOGUES ABOUT DIFFERENCE: USING
MULTIPLE PERSPECTIVES IN TEACHING THE FOURTEENTH
AMENDMENT

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In writing for the Supreme Court in *Grutter v. Bollinger*, Justice Sandra Day O'Connor reiterated the overriding importance of preparing students for work and citizenship, and the relationship between education and good citizenship. She noted that universities, and in particular, law schools, represent the training ground for a large number of our Nation's leaders.² The *Grutter* Court recognized the importance of legal education and access to the legal profession in preparing talented and qualified individuals of every race and ethnicity for civic engagement and leadership. Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized.⁴ Teaching the various doctrines for which the Fourteenth Amendment forms the basis in constitutional law, administrative law, and health law is an effective way to communicate the sense of purpose identified in *Grutter* to law students. Specifically, students studying the value in understanding how the law can promote or impede equality in the public sphere and the lawyer's role in that process. In addition to becoming more effective lawyers, this process can prepare law students to become more engaged and thoughtful citizens.

As the most recent summer waned and I was thinking about writing this reflection, I recalled sitting on a Cape Cod beach in about 1987 reading Margaret

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1. 539 U.S. 306, 331 (2003) (The Court has long recognized that education . . . is the very foundation of good citizenship. (quoting *Plyer v. Doe*, 457 U.S. 202, 221 (1982).))

2. *Id.* at 332.

3. *Id.*

4. *Id.*

Atwood's classic dystopian novel, *The Handmaid's Tale*⁵ for the first time. I was new to teaching law and remarked to my husband that if I ever had the

While one unstated norm is to treat the perspective of the observer as
objective, the other is to treat the perspective of the observed as
subjective. The first norm is based on the idea of objectivity, which
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The second norm is based on the idea of subjectivity, which requires
that the observed's perspective be the only one that counts. The
first norm is based on the idea of objectivity, which requires that
the observer's perspective be the only one that counts. The second
norm is based on the idea of subjectivity, which requires that the
observed's perspective be the only one that counts.

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