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Intimate Pedagogy: The Practice of Embodiment in University Classrooms

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Abstract: In this article, I examine the intimacy of university classrooms, especially in the context of gender, sex, and sexuality. I suggest that students and professors constantly battle the intimacy that arises in pedagogical relationships. Despite our best efforts, these moments of intimacy intrude upon students' relationships with one another and professors' relationships with students. These intrusions are often unexpected and uncontrollable, and are inextricably tied to gender and sexuality. These moments when the facade breaks down, moments of embodiment, are when the greatest teaching can occur. In order to be great professors, we must attain a level of intimacy with our students. Intimacy, for the purposes of this article, means simply this: setting aside an assumed genderless, sexless professorial facade, and standing beside our students, embodied. In this article I build upon the work of pedagogical theorist Jonathan Alexander, putting forward the idea of a 'rhetoric of the body' to help understand the ways professorial bodies perform in the classroom. I then turn to the work of theorists bell hooks and Jane Gallop and their work on eros in the classroom, to discover connections between what I call embodiment – moments when professors lose the facade of a bodiless identity – eros, and pedagogy. Lastly, I take these ideas and examine a course in which I taught the U.S. Supreme Court opinion *Lawrence v. Texas* (2003), in which the Court declared anti-sodomy laws unconstitutional. In this course, content, pedagogy, intimacy, and embodiment came together in a practical demonstration of the theories I put forward here.

Keywords: Sex, sexuality, intimacy, eros, pedagogy, speech acts, performativity, embodiment.

Assuming Gender is a Cardiff University project, comprising a journal, seminar, and lecture series. This interdisciplinary project is dedicated to the timely analysis of constructions of gendered texts, practices, and subjectivities and seeks to engage with contemporary conceptions of gender, while participating in the dialogues and tensions that maintain the urgency of such conversations.

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Intimate Pedagogy: The Practice of Embodiment in University Classrooms¹

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Starting 'Beside'

This project arises in light of the death of Eve Kosofsky Sedgwick in April 2009 and my own research interests in pedagogy and performativity. In this project I will examine the connections between gender, teaching, and intimacy, connections that Sedgwick, too, explored before her death. She dubs her 2003 book, *Touching Feeling*, as 'a project to explore promising tools and techniques for nondualistic thought and pedagogy'.² Sedgwick's book demonstrates the multifarious connections between teaching, the body, and Austinian speech acts. But she also points to experiences 'that do not present themselves in [...] verbal form': that is, events, communications, moments, and even realities which exist outside of what we have traditionally thought of as the verbal. Sedgwick claims that she wants to privilege these other forms of communication in her work, because 'the line between [...] linguistic and nonlinguistic phenomena is endlessly changing, permeable'.³ In this article, I too retreat from the rhetorical privileging of words alone, especially of a professor's words, in order to more closely explore the relationships between a professor's physicality – her body – and her pedagogical practices.

In particular, I would like to examine here the intimacy of university classrooms, especially in the context of gender, sex, and sexuality. I suggest that students and professors constantly battle the intimacy that arises in pedagogical relationships. Despite our best efforts, these moments of intimacy intrude upon students' relationships with one another and professors' relationships with students. These intrusions are often unexpected and uncontrollable, and are inextricably tied to gender and sexuality. Professors, especially those who are not white, male, and heterosexual, often work hard to assume a genderless, raceless, and sexless identity in the classroom in order to claim authority. We reassure our students that even though we may not appear as professorial as our white, male, straight colleagues, we indeed have wisdom and the skills to impart it. There are moments, however,

¹ I presented an early version of this project at the Conference on College Composition and Communication, 2006, as part of the panel, *Queering the Composition Classroom*. I am indebted to Professor Eve Wiederhold for her assistance with this project.

² Eve Kosofsky Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* (Durham: Duke University Press, 2003), p. 1.

³ *Ibid.*, p. 6.

when this facade breaks down: moments of embodiment. In these moments, I suggest, some of the greatest teaching can occur.

Sedgwick provides an apt metaphor for what I will propose in this article, writing that ‘the most salient preposition in *Touching Feeling* is probably *beside*’. Sedgwick contrasts ‘beside’ with other descriptors such as ‘beneath’ and ‘beyond’, which imply a source, goal, or a priority. ‘Beside’, with its side-by-side nondualism does not. Sedgwick is careful, nonetheless, to dismantle any idealism that ‘beside’ might invoke: ‘Its interest does not, however, depend on a fantasy of metonymically egalitarian or even pacific relations, as any child knows who’s shared a bed with siblings.’⁴ ‘Beside’ does not mean there will necessarily be peace (or peace and quiet), or equality among students or between students and professors. ‘Beside’ just means, perhaps, a good place to start exploring the many ways that people interact with each other, the many ways in which we become intimate.

In order to be great professors, we must attain a level of intimacy with our students. Many professors shy away from intimacy, broadly defined, for a variety of legitimate reasons. Intimacy, for the purposes of this article, means simply this: setting aside an assumed genderless, sexless professorial facade, and standing ‘beside’ our students, embodied. Below, I build upon the work of pedagogical theorist Jonathan Alexander, putting forward the idea of a ‘rhetoric of the body’ to help understand the ways professorial bodies perform in the classroom. I then turn to the work of theorists bell hooks and Jane Gallop and their work on eros in the classroom, to discover connections between what I call embodiment – moments when professors lose the facade of a bodiless identity – eros, and pedagogy. Lastly, I take these ideas and examine a course in which I taught the U.S. Supreme Court opinion *Lawrence v. Texas* (2003), in which the Court declared anti-sodomy laws unconstitutional. In this course, content, pedagogy, intimacy, and embodiment came together in a practical demonstration of the theories I put forward here.

Rhetoric of the Body

Quintilian claimed that the ideal public speaker is the ‘good man speaking well’, combining the unimpeachable ethics of the person with the excellent quality of the oration.⁵ Quintilian’s words have also been used to describe the ideal professor. Feminist pedagogy, however, has revealed the

⁴ Ibid., p. 8.

⁵ Quintilian, *Institutio Oratoria*, 12 books ((Harvard: Harvard University Press, 1996), Books 1-3, 2.16.11.

weaknesses in Quintilian's simple approach: what it means to be 'good', and to speak 'well' is often tied to the physical identity of a speaker. Students, colleagues, and institutions often complain that female professors' voices are too high-pitched or too quiet. Rhetorical and professorial skill, then, is tied to body identity far more than dominant Cartesian philosophy would have us believe.

Pedagogical theorist Jonathan Alexander, in 'Transgender Rhetorics: (Re)Composing Narratives of the Gendered Body', hopes to show 'how transgender theories can inspire pedagogical methods', and help us understand 'the narration of gender as a social construct'.⁶ Alexander wishes 'to approach a deceptively simple question – *What is the story we tell about gender?*'.⁷ In response to this question, I would like to add others: who is it that tells this story? Why? And, how is it told – especially in the context of a university classroom? These are questions of power. Finally, I would like to ask: what are the consequences of these stories in a pedagogical setting? This is a question of ethics.

Alexander writes that his pedagogical method is 'an approach to thinking about gender that is invigorating, critical, and insightful – one that opens up new vistas for students in considering the intersections among gender, the body, and the body politic'.⁸ Indeed, his description of the writing projects undertaken in his classroom appears invigorating, and the work produced by his students is often awe-inspiring. But we need to take his work a step further. Alexander hopes to provide an opportunity for his students to *think* about gender. But is thinking about gender enough? Feminist professor Patrocínio Schweickart admonishes: 'Feminist criticism, we should remember, is a mode of *praxis*. The point is not merely to interpret literature in various ways; the point is to *change the world*'.⁹ I suggest readers need greater ethical engagement with the texts professors assign, and this engagement begins with the professor-student relationship.

The selection of material is indeed the first step in this engagement. In discussing why he presented transsexual narratives to students, Alexander explains, 'trans sites powerfully reveal gender

⁶ Jonathan Alexander, 'Transgender Rhetorics: (Re)Composing Narratives of the Gendered Body', *College Composition and Communication*, 57.1 (2005), 45-82 (p. 45).

⁷ *Ibid.*, p. 47.

⁸ *Ibid.*, p. 47.

⁹ Patrocínio P. Schweickart, 'Reading Ourselves: Toward a Feminist Theory of Reading', in *Gender and Reading: Essays on Readers, Texts, and Contexts*, eds. Elizabeth A. Flynn and Patrocínio P. Schweickart (Baltimore: Johns Hopkins University Press, 1986), pp. 31-62 (p. 39).

as a social construction – as a narration that rhetorically, and politically, uses gender to maintain categories, roles, and knowledges that delimit and police our bodies and identities’.¹⁰ Cultural theorists readily recognize gender as a social and linguistic construction, but Alexander goes one step further, and associates, even equates, that construction with narrative, or storytelling. Alexander continues:

in examining the stories that trans activists tell about themselves, we witness the construction of counternarratives, alternative modes of identity construction, and a number of creative rhetorical moves that show how narratives of personal experience can be used to query a variety of personal and sociopolitical issues’.¹¹

Alexander recognizes, however, the limitations of his project in the concluding section of his essay. He writes of his own doubts:

I am not sure that our narratives of gender swapping and transition were necessarily helping liberate participants from gender norms, even though I believe they offered us opportunities to explore useful insights. If anything, they revealed the extent to which gender is much more than a set of roles and rhetorical tropes; there is a *rhetoric of the body* that needs careful consideration as well.¹²

Even as Alexander expresses uncertainty about the effectiveness of his pedagogy in the process of liberation ‘from gender norms’, he identifies a new project that he had not been aware of, one that provides fascinating new possibilities. Rather than functioning as a simple narrative that can be changed as the storyteller sees fit, the body is shaped by – and helps shape – a rhetoric beyond anyone’s control: by a ‘rhetoric of the body’ that Alexander identifies. This rhetoric of the body is yet another place, along with language, where we may begin to ethically engage with knowledge and power in the classroom. Yet, in the academy we all (students and professors) ostensibly march around as disembodied minds waiting for enlightenment. There does not appear to be much room for discussion of rhetoric of the body because academia encourages students and professors – especially professors – to ignore our bodies altogether.

¹⁰ Alexander, ‘Transgender Rhetorics’, p. 57. For an example of such a website, see Professor Lynn Conway’s ‘Transsexual Women’s Successes: Links and Photos’, *Lynnconway.com* <<http://ai.eecs.umich.edu/people/conway/TSuccesses/TSuccesses.htm>> [accessed 25 February 2010].

¹¹ Alexander, ‘Transgender Rhetorics’, p. 57.

¹² *Ibid.*, p. 72.

Eros and Embodiment

Embodiment – reconnecting one’s mind with one’s physicality – is a peculiar experience in the academy, when it does indeed occur. When I think of my physical body in the classroom as a professor, I have two reactions. First, through my experiences and theoretical leanings, I have grown to reject the Cartesian split between body and mind. This split has been used to oppress women, sexual minorities, and people of color both within the academy and without, to remove our bodies completely from consideration or else make them the sole matter for consideration. How bodies navigate the world – how people mark my body and how I choose to mark my body, how I write my body and how it is read by others – shape our experiences of the world. Acknowledging bodies-as-texts (the rhetoric of the body) can only happen if we shift embodiment to a position of central importance. Yet, at the same time as I insist on the importance of bringing our bodies back to school, I sense the fear of sexual bodies that pervades institutions of higher education. In response to this fear, colleges and universities ignore sex and repress it, through harassment policies and similar policing measures.

Cultural theorist bell hooks has written eloquently about the hyper-suspicion that surrounds professor-student relationships in the academy. She works to debunk the foundations of this suspicion. She argues that this suspicion ‘is based on the false assumption that education is neutral, that there is some ‘even’ emotional ground we stand on that enables us to treat everyone equally, dispassionately. In reality, special bonds between professors and students have always existed’.¹³ hooks suggests that ‘it is only in the context of an anti-sex culture that the response to the issue of desire between faculty and students would be simply to try and police that desire’. Rather than policing, hooks suggests that we should try ‘to understand it and empower us all to confront it more constructively’.¹⁴

What would it take for all of academia to ‘understand’ desire, to perceive its significance and employ its power? When professors become embodied, presenting our gender, race, sexuality to our students and to each other, we are better able to recognize the intimacy that already exists in many relationships in the academy. We are better able to listen to the bodily rhetorics of our students, and

¹³ bell hooks, *Teaching to Transgress: Education as the Practice of Freedom* (New York: Routledge, 1994), p. 198.

¹⁴ hooks, *Teaching Community: A Pedagogy of Hope* (New York: Routledge, 2003), p. 147.

respond in kind. The problem, as hooks and others point out, is that intimacy and embodiment, especially in the academy, are often equated with criminal behavior.

hooks addresses sexual relationships between professors and students directly, suggesting that we need to ‘understand [...] the difference between consensual encounters between faculty and students – which may or may not be problematic – and situations of sexual harassment and coercion’.¹⁵ Jane Gallop, famous for her deliberate run-ins with academic sexual harassment policies through her relationships with graduate students, writes, ‘my problem with academic sexual policy is precisely that it isn’t academic enough, that it has not been formulated according to “academe’s own rigorous standards of inquiry”,’¹⁶ In short, for hooks and Gallop, academic sexual harassment policies do not measure up theoretically, which is ironic given their locale.

hooks describes the experience of working on a committee of professors drafting a sexual harassment policy. She found that the professors on the committee were not interested in engaging in real intellectual feminist thinking. They were more interested in working with simplistic stereotypes:

I was met with a complete lack of interest in brainstorming about ways that would empower students to protect themselves against unwarranted advances [...] many of these women really were more interested in reinforcing the idea that men are always and only sexual oppressors, and that females, especially young adults, are always and only victimized by sexuality. They were not interested in empowering female students, in preventing them from being ‘hurt;’ they wanted to identify and punish perpetrators.¹⁷

hooks identifies the force driving this desire to catch the harassers: ‘Underlying this zeal to punish the “guilty” men was a real discomfort with active sexuality, a refusal to recognize female students as young adults capable of asserting sexual agency.’¹⁸ Cristina Nehring notes that academic sexual harassment policies often strip agency from those they are meant to protect. In Nehring’s case, the supposed harassment victim was Nehring herself. Nehring almost had a harassment suit brought on her behalf by a university, against her express will. She writes:

When his [Nehring's fiancé's] superiors learned of our relationship, the wheels of justice and punishment began, immediately, to turn. No matter that I had never taken a class with him [...]

¹⁵ Ibid., p. 147.

¹⁶ Jane Gallop, ‘The Lecherous Professor: A Reading’, *Differences: A Journal of Feminist Cultural Studies*, 7.2 (1995), 1-15 (pp. 3-4).

¹⁷ hooks, *Teaching Community*, p. 143.

¹⁸ Ibid., p. 143.

that I did not feel in any shape or form harassed by him. Nobody cared. My view of the matter was declared 'irrelevant'. As a graduate student, I was presumably too 'disempowered' to judge my own abuse.¹⁹

hooks opposes sexual harassment bans such as the ones that Gallop and Nehring experienced, which disempower students through infantilization. She asserts that those who support such bans 'represent students as children and professors as parents. They see any erotic bonding between the two as symbolic incest, and therefore necessarily a violation of the student/child'. In an age of second-degree students who may be older than the graduate Teaching Fellow or Assistant Professor leading a course, this parent-child relationship is outmoded. It also fails to serve the best interest of students, according to hooks: 'Students are among those that most oppose such thinking. Students understand clearly whose interests are served when they themselves are infantilized'.²⁰ Students who are treated as children, or at the very least non-adults, are stripped of both their intellectual and social power.

Paradoxically, as hooks and Gallop point out, the repressive regime created by harassment policies based on this foundation of infantilization creates an environment which serves those professors that are truly sexually abusive. hooks writes,

As long as young females are socialized to see themselves as incapable of choosing those situations of erotic engagement that would be most constructive for their lives, they will always be more vulnerable to victimization.²¹

Young students are socialized to believe that they are vulnerable, and then placed into an environment controlled by people who believe that students are incapable of making decisions about their own sexuality. This is an environment that creates opportunities for abuse, rather than empowering people to stop it. On the other hand, an environment in which sexuality is no longer taboo is a 'space', as hooks writes, in which 'choice is possible'.²² We could consider creating such a space, if only as a measure to eradicate actual, abusive harassment. Another benefit would be the creation of a space in which an intimate pedagogy may grow without fear of reprisal.

¹⁹ Christina Nehring, 'The Higher Yearning: Bringing Eros Back to Academe', *Harper's*, September (2001), 64-72 (pp. 66-67).

²⁰ hooks, *Teaching Community*, p. 145.

²¹ *Ibid.*, 150.

²² *Ibid.*, 155.

Ironically, intimacy in pedagogy is often an acknowledged goal among educators. For example, in 'The Teacher-Student Writing Conference and the Desire for Intimacy', Neal Lerner writes that 'the goals for conferencing [...] have always been ambitious'.²³ Beyond mere improvement of pedagogical goals, teachers hope that conferences will 'create meaningful relationships with an increasingly diverse student body'. He argues that the student-teacher conference has persisted because 'it fills our need to forge connections with our students'.²⁴ It thus appears that, in the eyes of the academy, some intimacy is acceptable, even beneficial, but other kinds are unacceptable, even criminal. I suggest that negotiating the legal space between these two types of relationships is complicated, if not impossible, and it is not beneficial to our teaching.

Empowerment and Ethics

I experienced – quite by accident – an embodied and intimate pedagogy early in my teaching career. I specialize in rhetoric and composition courses that use legal texts as their media. In one such early composition and law course, I listed two lofty learning goals on the syllabus: 'to learn about the connection between language and political power' and 'to learn how to employ rhetorical strategies to make our world a better place'. With these goals, I sought to outline the close connection between the theoretical study of the language of the law and its practical uses and effects.

My choice of classroom reading material, like any pedagogical decision, was a political one. I had two main strategies. I hoped to disrupt the dominion of the law by giving my students the ability to read the most arcane of our three branches of government. This was my pedagogy of empowerment. I also hoped to inspire some sort of ethical engagement with the material, beyond a simple raising of awareness; in this way, I chose a pedagogy of ethics. As the semester wore on, I realized just how vital the second component of my plan really was.

I recognized, of course, that the reading material would be challenging for my undergraduates. So, I began the course with instruction on the fundamentals of political rhetoric. We studied some foundational American political tracts such as Jefferson's 'Declaration of Independence' and Stanton's 'Declaration of Sentiments'. For their first presentations, my students made excellent

²³ Neal Lerner, 'The Teacher-Student Writing Conference and the Desire for Intimacy', *College English*, 68:2 (2005), 186-208 (p. 203).

²⁴ *Ibid.*, 205.

persuasive political speeches. When I felt that they had a firm comprehension of the rhetorical triad, stasis theory, and the canons – rhetorical armor I have never been so careful to give my students in any previous course – I plunged ahead into our next unit.

Six weeks into the course, I introduced the judicial opinions of *Bowers v. Hardwick* (1986) and *Lawrence v. Texas* (2003). In brief, *Bowers* upheld various state anti-sodomy laws; a mere seventeen years later, *Lawrence* overturned these laws, and with them, *Bowers*. We read the full texts of each decision over the course of a few weeks. Afterward, we spent seemingly endless class time discussing complexities of American constitutional law. As one student told me later, ‘If we hadn’t gone over it [the cases] a lot, I probably would have been lost’.²⁵ At first, the students seemed resistant to the texts, put off by the legal jargon and the apparent disconnect between the material and their own lives. As weeks went by and the time for their oral argument presentations grew nearer, I began to doubt the legitimacy of my pedagogical project. The texts, and their attendant concepts, were just too difficult.

I chose *Lawrence v. Texas* as our classroom text because *Lawrence* may be the most important civil rights decision of our era, with far-reaching implications, yet many people have not heard of it. Certainly, my students had never heard of it. Before this course, most of my students did not know what anti-sodomy laws were. When I told them that until the *Lawrence* decision in 2003, oral sex between straight or gay couples was a crime in our state of North Carolina, they were aghast. Suddenly, the words on the pages of the decision ceased to be merely ‘textual’. The words became something more: objects of cultural and political force. In writing the *Lawrence* decision, the Supreme Court granted astounding liberties with its words. One of my goals in teaching *Lawrence* was to demonstrate how language itself may be a pathway to freedom: actual, bodily freedom. Language can either be a pathway to freedom or an obstacle, but it cannot remain neutral. Just as Sedgwick identifies the liminal nature of the linguistic and the bodily, *Lawrence v. Texas* demonstrates it.

Of course, those familiar with speech act theory may argue that judicial decisions, especially those from the Supreme Court, are not ‘mere’ language: they are language plus force; they are law. A Court decision is an en-act-ment that carries the power of the state’s ability to en-force. In the United States, debates over culturally-based civil rights – gay marriage being the flagship issue – are often

²⁵ Freshman Female 1 (FF1).

cast as a 'culture war', rather than a fray into which the judiciary should plunge. But as my students, like all law students, have learned: culture is inextricable from the theoretical building blocks of the law. Today in the U.S., legal and cultural scholars work to weave them back together again, to undo the dehumanizing effects of the last thirty years of judicial conservatism in the United States. Although Justice Antonin Scalia of the United States Supreme Court has argued, 'I think it no business of the courts (as opposed to the political branches) to take sides in this culture war'.²⁶ I make this proposal: if culture is the 'customs, civilization, and achievements of a particular time or people' that a law hopes to govern, it appears that the business of the law has always been culture.²⁷ The relationship between culture and law forms a triad when the third component of language, or speech, is added. Law and culture are constituted by language and help constitute it.

In her book *Excitable Speech*, Judith Butler examines the relationship between speech and social and legal change. She does not employ the stark distinction between speech and a speech act, preferring instead to consider all speech as sites of power. Butler suggests that linguistic (and hence cultural and political) agency may be recovered via 'the saying of the unspeakable', which 'become[s] part of the very 'offense' that must be committed in order to expand the domain of linguistic survival'.²⁸ She suggests that as activists, we must 'open new contexts'; we must speak 'on the border of the unsayable' in order 'to expose the vacillating boundaries of legitimacy in speech'.²⁹ In other words, Butler seems to suggest that we should use speech, or language, to talk about what has been deemed illegitimate, illegible, unlawful: what desires, what relationships, whose lives. Through this type of challenging speech, and the attendant revelation of 'boundaries', we can 'expand the domain' of livable lives.

Justice Scalia, in his dissenting opinion in *Lawrence*, once again argues that the Supreme Court should not meddle in affairs of culture. In the coda to his dissent, he takes a philosophical stand on the job description of the judicial branch. First, he expresses disapproval that the Court might no longer be an untouched tower of neutrality:

²⁶ *Romer v. Evans*, 517 U.S. 620 (1996), p. 652.

²⁷ 'Culture', *The Concise Oxford English Dictionary*, 9th ed. (New York: Oxford University Press, 1995).

²⁸ Judith Butler, *Excitable Speech: A Politics of the Performative* (New York: Routledge, 1997), p. 41.

²⁹ *Ibid.*, p. 41.

Today's opinion is the product of a Court, which is the product of a law-profession culture, that has largely signed on to the so-called homosexual agenda, by which I mean the agenda promoted by some homosexual activists directed at eliminating the moral opprobrium that has traditionally attached to homosexual conduct.³⁰

According to Justice Scalia, the Court has meddled in the affairs of the common people too closely: the affairs of law professors and law schools, which Justice Scalia finds to be too politically liberal as a community, and the affairs of a politically-motivated group, homosexual activists. Had the Court remained properly neutral and above the fray, Justice Scalia argues, then they would have seen the error of their arguments and upheld the Texas statute that banned homosexual sex. But if a law is equivalent to state-endorsed discrimination, is upholding such a law politically neutral?

Justice Scalia bewails that the *Lawrence* decision 'effectively decrees the end of all morals legislation',³¹ yet in his model of judicial interpretation, *ethical* considerations do not hold a place of esteem. For example, in his analysis of Justice O'Connor's concurring opinion, Justice Scalia criticizes protection of homosexuals under the Equal Protection Clause of the Fourteenth Amendment. Justice O'Connor wrote that although the Texas statute applied only to homosexual *conduct*, this conduct 'is closely correlated with being homosexual. Under such circumstances, Texas' sodomy law is targeted at more than conduct. It is instead directed toward gay persons as a class'.³² Here, O'Connor points to the relationship between an act – homosexual behavior – and an identity: being homosexual. O'Connor demonstrates that when our words or actions harm other people, ethics come into play.

Justice Scalia's response to O'Connor is legally correct: he points out that homosexuals are not a protected class under equal protection jurisprudence; therefore, legislation that denies equal protection to homosexual persons does not receive heightened scrutiny. He gives as a parallel example the case of laws against nudity: 'A law against public nudity targets "the conduct that is closely correlated with being a nudist", and hence "is targeted at more than conduct"; it is "directed towards nudists as a class"',³³ By substituting 'nudists' into Justice O'Connor's language, Justice Scalia denies what the *Lawrence* case was really about: that gay people having sex in Texas – and a

³⁰ *Lawrence v. Texas*, 539 U.S. 558 (2003), p. 602.

³¹ *Ibid.*, p. 599.

³² *Ibid.*, p. 583.

³³ *Ibid.*, p. 601.

dozen other U.S. states – was a crime. On the other hand, Justice O'Connor justifies her equal protection analysis because the law in question was designed 'to harm a politically unpopular group'.³⁴ Justice Scalia finds this reason inadequate to overturn the Texas statute because it requires too sharp a departure from the rules of review that he believes the Court should 'neutrally' follow. Because it engaged in the reality of lived existence, by substituting nudists for homosexuals, Justice Scalia believes that the Court has stepped into a fight it should stay out of and the majority surrendered the Court's role of impartial observer. Of course, this position presupposes that the Court was ever an impartial observer.

On a cultural level, I would like to consider the traditional classroom like the traditional courtroom. They are similar in geography: the professor/judge sits at the front of the room, in a position of power. The audience and jury, or students, sit in rows, ready to listen and learn. A person that wishes to plead his case comes forward, and the professor/judge will listen, once she grants the pleader the right to speak. Just as the courtroom grants legitimacy to certain ideas, theories, or claims – so too does the classroom.

By addressing homosexuals as a class to be protected, Justice O'Connor made a bold move. One could say that she removed the blindfold from justice in an effort to render justice more ethical. She dared to talk about the people behind the law. Scalia wishes to keep that blindfold in place, to keep justice 'neutral'. This type of neutrality presumes that all people come to the law as identical, genderless, raceless, classless 'legal persons'. In reality, all people are created *different*, not equal. In order for justice to prevail, each person before the law must be treated as an individual, and at the same time each must be treated as an equally valuable member of our society. Legal theorist Costas Douzinas explains this concept of justice this way: 'to act justly one must treat the other both as an equal and as entitled to the symmetrical treatment of norms, and as a totally unique person who commands the response of ethical asymmetry'.³⁵

I would argue that O'Connor and Douzinas provide great advice to the new professor. Continuing with our the courtroom/classroom parallel, we see that each student in a classroom must be treated with ethical asymmetry, as an equally valuable human being that is radically different from

³⁴ Ibid., p. 580.

³⁵ Costas Douzinas, 'Law and Justice in Postmodernity', *The Cambridge Companion to Postmodernism*, ed. Steven Connor (Cambridge and New York: Cambridge University Press, 2004), pp. 196-223 (p. 214).

everyone else and therefore entitled to unique treatment. In order to understand this radical difference, in order to provide this ethical asymmetry, a certain level of intimacy – individual knowledge of, even friendship with, each student – is required. This is the intimacy Lerner yearns for in his student-teacher conferences, and that hooks believes will bring dynamism and power to our pedagogy.

The ‘Blow-job’ Performative

In order to attain intimacy with our students, however, we must first reject the Cartesian ideal of the mind-*sans*-body. Professorial embodiment, I suggest, is necessary for effective intimate, asymmetrical pedagogy. In order to reach embodiment, however, we must scrap the assumed facade of the genderless (or masculine) professor, one who is white, healthy, able-bodied, and without any physical markers that deviate from Quintilian's ideal.

My first moment of professorial embodiment occurred while teaching *Lawrence v. Texas*. As I mentioned above, *Lawrence* legalized sodomy. More specifically, it rendered unconstitutional all remaining state anti-sodomy statutes. Some of these, like the statute at issue in Texas, targeted homosexuals specifically. Others, like the statute in North Carolina, had broader implications. Different states defined ‘sodomy’ in different ways: in general, the word referred to any sexual acts other than heterosexual vaginal intercourse, although some states limited their statutes to anal sex. When I selected *Lawrence* as our reading material, I failed to consider the confusion that the multivalent sodomy statutes might create in my students. When I explained the effect that the Supreme Court ruling had on all the state statutes, they wanted to know what the statutes said, exactly. They wanted to know what ‘sodomy’ meant. They wanted to know what John Geddes Lawrence was arrested for doing in the privacy of his bedroom with his adult boyfriend. I tried to explain that North Carolina’s law ‘limited lawful sexual contact to vaginal intercourse’, but they stared at me, minds numbed by the clinical language. Finally, I said, frustrated, ‘Blow-jobs’.

In my impatience, I had used a word that I knew they would understand, but I had failed to consider the effects that the speaking of the word would have: on me, and on our class dynamic. ‘Blow-job’ pushed me into an embodied state – the word forced my Cartesian mind/body split to mend, with a jolt, in the middle of a lecture. Suddenly, I was embodied: a young, white, attractive,

female instructor in a room full of other people not much younger than me – and everyone knew it. J.L. Austin would have been proud: ‘blow-job’ was a performative if ever there was one. Although the power dynamic of instructor/student remained in place, the utterance *did* something. We all looked at each other differently.

As teacher, standing in front of the room, my body was on display. An orator’s use of his body has been in the curriculum of public speaking technique since the rhetors of Greek and Rome; Cicero writes that delivery relies upon ‘appropriate movement of the body, gestures, [and] looks’.³⁶ But for women, speaking publicly was banned for centuries (and is frowned upon still by some).³⁷ Uncomfortable, I scrambled to disembody myself again, using multisyllabic legalese: ‘The cumulative effect of *Lawrence* was that all state sodomy statutes were deemed unconstitutional and any other discriminatory statutory frameworks targeting homosexuals were imperiled’. Then I stopped. I wondered: What sort of learning can happen here, in a place where we use our bodies as well as our minds?

As hooks observes, ‘One of the central tenets of feminist critical pedagogy has been the insistence on not engaging the mind/body split’.³⁸ Western society has feared female bodies, especially public-speaking female bodies, for millennia. As sodomy statutes demonstrate, heterosexuals fear – and continue to fear – the bodies and practices of homosexuals. Until ‘blow-job’, I had not realized that I had been afraid of my body speaking in public, too.

An Ethical Intimacy?

Lawrence v. Texas, a very public document, deals with the most private of issues. The case addresses eros and the body even as it puts forward a highly theoretical treatment of the legal concepts of Due Process and Equal Protection. It is the perfect blending of public and private, of practice and theory. The Justices, withdrawn in their marble temple from the day-to-day, wrote some

³⁶ Cicero, *De Oratore*, Book I, trans. E.N.P. Moor, 2nd ed. (London: Methuen and Co., 1904), V.18.

³⁷ See, for example, Betty Rizzo, ‘Male Oratory and Female Prate: ‘Then Hush and Be an Angel Quite’,’ *Eighteenth-Century Life* 29.1 (2005), 23-49. Rizzo writes, pointing to the long history of the rhetorical exclusion of women from public oratory: ‘Throughout the eighteenth century, while male rhetoric was almost universally, perhaps unprecedentedly, valued and studied, women’s silence was almost universally commended, recommended, and virtually enforced. Who could withstand the combined authority of Aristotle and St. Paul?’ (p. 23).

³⁸ bell hooks, *Teaching to Transgress*, p. 193.

of the most diverse and influential opinions of the last thirty years, and they were talking about sex, intimacy, and privacy. My students found this wildly interesting even as they resisted the legal jargon and concepts when we first approached the cases. I was able to introduce them to the jargon, using my legal training, and empower them to understand the law. The feedback that I received from them towards the end of the semester was universally positive in this regard. They said that they understood the news when they heard about cases and challenges to legal precedent. They enjoyed understanding it. The reading material of the course helped shape the intimacy that we created as a class; we worked beside one another all semester tackling these difficult texts, and employed an ethical asymmetry in our treatment of one another. Our expectations for each other were different because we had such a diverse group of students: some seniors and some freshman, some political science majors and some nursing majors, some excellent speakers and writers and some not.

Embodiment and intimacy can be great pedagogical liberators. In the classroom, the minds of the professor and students are often disparate in power. The professor holds the knowledge and, if all are lucky, is able to dispense it to the students. In contrast, every person in the classroom has a body, a human body with flaws and a language that it speaks – a rhetoric of the body. In some ways, our bodies are great equalizers. Perhaps, then, it is time we start speaking with our bodies as well as through our minds, using an embodied rhetoric, one that recognizes intimacy and its power.

Despite hooks's and Gallop's critiques, universities continue to question intimacy between professors and students. I believe that this pedagogical intimacy can exist in a manner that puts neither students nor professors at risk, either emotionally or professionally. Addressing the complicated bodily issues of *Lawrence* broke down the facade of disembodiment, a liberating experience for both me as the professor and for my students. Alexander used transsexual websites to achieve a similar result, and a multitude of other texts exist that can serve this purpose. I believe these should be actively found, and taught.

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