Journeys to 20th Street: The Inner City as Critical Pedagogical Space for Legal Education

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Sarah Buhler*  Journeys to 20th Street: the Inner City as Critical Pedagogical Space for Legal Education

This essay draws on critical geographical theories to propose that the location of clinical legal education programs in inner city space can affect the production of professional identities and ideologies of law students. It anchors its analysis in an examination of the clinical law program at the University of Saskatchewan College of Law, where students work at a poverty law clinic in Saskatoon’s inner city. The paper first turns to a critical examination of law school space, which can function to promote dominant notions about law and legal practice. The author cautions that if not navigated attentively, the journey to inner city space from the elite space of the law school can reinforce in students dominant notions about poverty, class, race, and legal practice itself. However, critical pedagogical strategies, which attempt to reveal inner city space as “thirdspace,” where communities and clients are actively resisting injustice, may open up space for clinical law students to examine traditional notions of law and legal practice and imagine new possibilities of working with communities for justice.

Cet essai s’inspire des principes voulant que les emplacements géographiques aient des incidences critiques pour avancer que le lieu choisi pour les programmes et les ateliers d’éducation juridique dans les centres-villes peut influer sur le développement de l’identité professionnelle et l’idéologie des étudiants en droit. L’auteure fonde son analyse sur un examen critique de l’environnement de la faculté de droit qui peut promouvoir les idées dominantes sur le droit et la pratique du droit. L’auteure met le lecteur en garde: si le parcours n’est pas planifié rigoureusement, le voyage du milieu privilégié de la faculté de droit vers le centre-ville risque de renforcer, dans l’esprit des étudiants, les idées préconçues sur la pauvreté, les différences de classes, la race et la pratique du droit elle-même. Par contre, des stratégies pédagogiques intelligentes qui tentent de montrer les centres-villes comme des espaces vivants où les collectivités et les clients s’opposent activement à l’injustice, peuvent inciter les étudiants à revoir les idées reçues et les concepts traditionnels liés au droit et à la pratique du droit et à imaginer de nouvelles possibilités de collaborer avec ces collectivités pour obtenir justice.

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Introduction

In 2007, the University of Saskatchewan's College of Law reinstated its clinical law program in conjunction with the establishment of Community Legal Assistance Services for Saskatoon Inner City (known as "CLASSIC"). Students enrolled in clinical law courses travel several times each week across a city painfully divided by racism, class inequalities and the ever-present shards of colonialism to the corner of 20th Street and Avenue F South, where the CLASSIC clinic is located. This address is significant to those who know Saskatoon: it marks CLASSIC as being located in the heart of the "inner city," urban space that is portrayed in

1. CLASSIC was founded by a group of University of Saskatchewan College of Law students, including Kyle Vermette, Victoria Coffin and Jody Busch, with the support and collaboration of the University of Saskatchewan College of Law and numerous community organizations. I use the term "reinstated" because the College of Law had previously had a clinical law program in the late 1970s and early 1980s. CLASSIC is a not-for-profit community legal clinic that focuses on assisting low-income clients with legal matters, focusing on areas of law where clients would not otherwise have access to assistance through the Saskatchewan's Legal Aid Commission. CLASSIC's main area of focus is administrative tribunal law and advocacy, including residential tenancies matters, Employment Insurance, Workers' Compensation, social assistance appeals, immigration and some minor criminal law matters. It also assists clients with wills and estate matters, and adult guardianship, and issues relating to the Indian Residential School settlement. Approximately 40% of its clientele are Aboriginal. Although the majority of its work involves individual client representation, as a community legal clinic, CLASSIC works closely with community agencies on broader projects including community legal education, and other initiatives, which will be discussed further below.

2. The College of Law offers two clinical law classes. The first is a full-year, six-credit course, which involves carriage of client files and other work at CLASSIC, as well as participation in a weekly seminar. Students who have previously taken, or are currently enrolled in the six-credit class can also register in the "Advanced Clinical Law" class, which involves further case work and a major community project, which will be described further below.

3. CLASSIC is located within a centre called the White Buffalo Youth Lodge, which provides holistic services to neighbourhood youth, including recreation, meals, mentorship, woodworking, health and education programs. More about the significance of CLASSIC's physical location within the White Buffalo Youth Lodge will be discussed below.
popular discourse as being rife with poverty, social problems, danger, and degeneracy. The inner city is also home to a significantly higher proportion of First Nations and Métis citizens than other Saskatoon neighbourhoods, cementing its status as undesirable space in dominant racist discourse. At CLASSIC, clinical law students are immersed in the work of a busy poverty law clinic: interviewing clients, drafting legal documents, researching case law, and preparing for administrative tribunal and court hearings. At the most obvious level, the purpose of the program is for students to learn and practice the “real life” skills of lawyering through their carriage of client files at CLASSIC. But the journey from the halls of the law school to the heart of the inner city is also an immersion into a dynamic pedagogical space that has the potential to teach students about the possibilities and limits of legal practice in the face of injustice and oppression. Indeed, the journey to inner city space can be an opportunity for students to critically evaluate, in the harsh light of social injustice, their own identities as future lawyers. This critical evaluation can lead to alternate, or even potentially subversive, visions of lawyering. However, the journey to the inner city also presents a risk: if not navigated attentively, it can enforce or reinforce in students dominant fantasies about poverty, class, race, and ultimately about legal practice itself.

It is the opportunity and risk presented by inner city space that I explore in this paper. Using the clinical law program at the University of Saskatchewan as an anchoring point, I will assess the potential of clinical legal education in inner city space to challenge students to embrace radical conceptions of the role of lawyers in social justice and anti-poverty struggles. My examination is inspired by the assertion by Foucault, and others, that far from being neutral or static, space is always political, and plays a powerful role in the production and reproduction of identities. The project is also informed by the call of critical pedagogical theorist Peter McLaren for a “critical pedagogy of space,” which he identifies as requiring an exploration of “the spatiality of human life...especially the genderizing and racializing of rural and urban cityscapes through the trialetics of space, knowledge and power.” With this in mind, I will first consider the ways in which the “space of law school” and the process of traditional legal education can produce in law students “ideological orientations that are incompatible with the promotion of social justice.”

4. I will discuss the racialization of inner city spaces below.
I then turn to an examination of the ways that clinical legal education in the inner city might challenge students to "unmap" or "unlearn" some of these orientations and embrace alternate visions of their roles as advocates. I conclude that if navigated with a sensibility of "faith in community" and a critical pedagogical approach, inner city space can function as "thirdspace," a vantage point from which to critically consider status quo notions of the role of lawyers in relation to social justice struggles.

I. The "spatial turn" in contemporary thought

Until recently, space was viewed across academic disciplines as nothing more than a static receptacle for social relations: a neutral stage upon which the drama of history and politics unfolded. This essentialist view of space has been challenged and debunked by theorists who have revealed the political and contested nature of space. In this so-called "spatial turn" in critical and social theory, theorists describe space as a medium through which social relationships, power relationships, and identities are produced and reproduced. That is, our "daily interactions with the products and productions of socially-constructed spaces and spatial ways of knowing" serve to shape our identities and also our material circumstances.

A pioneering thinker in critical spatial theory is radical urban Marxist theorist Henri Lefebvre, who asserted that

Space is not a scientific object removed from ideology or politics; it has always been political and strategic...Space has been shaped and moulded from historical and natural elements, but this has been a historical process. Space is political and ideological. It is a product literally filled with ideologies.

7. To unmap, according to Sherene Razack, is to "denaturalize geography by asking how spaces came to be", and also to interrogate and undermine dominant world views that work to maintain racism, classism, and other power relations. See Sherene H. Razack, "When Place Becomes Race" in Sherene H. Razack, ed., Race, Space, and the Law: Unmapping a White Settler Society (Toronto: Between the Lines, 2002) 1 at 5.
9. This is a reference to the Anthony Alfieri's concept of "faith in community" as a critical factor in collaborative lawyering in poor communities, and will be discussed below. See Anthony V. Alfieri, "Faith in Community: Representing 'Colored Town'" (2007) 95 Cal.L.Rev. 1829.
13. Henri Lefebvre, "Reflections on the Politics of Space" (1979) 8 Antipode 30 at 31 (emphasis added).
Similarly, Edward Soja, whose radical concept of “thirdspace” will be discussed later in this paper, argues that: “[w]e must be insistently aware of how space can be made to hide consequences from us, how relationships of power and discipline are inscribed into the apparently innocent spatiality of social life, how human geographies are filled with power and ideology.”

Michel Foucault also wrote about the ideological nature of space and the ways that space operates to reproduce power relations and shape and control identities. Through an analysis of institutional spaces, including prisons, asylums, and schools, he revealed space as being fundamental to the exercise of power in society. Thus, he showed how prisons and mental institutions were constructed to instill in their inmates attitudes of subordination through “a carefully designed institutional architecture permitting total surveillance.” He also discussed institutional educational space, conceiving of the school building, similarly to the prison or mental asylum, as a disciplinary structure containing “modes of control” in its very architecture. Referring to the school as a “pedagogical machine,” he showed how schools are materially structured to train students for “individualization” and subordination. In this way, then, Foucault theorized that space operated to “transform individuals: to act on those it sheltered, to provide a hold on their conduct, to carry the effects of power right to them, to make it possible to know them, to alter them.”

Drawing on the work of Lefebvre, Soja, Foucault and others, Sherene Razack has focused on the spatial dimensions of racism. Razack’s work explores how space operates to oppress people of colour, and reinforce ideologies of white domination. She explains that

When police drop Aboriginal people outside the city limits leaving them to freeze to death, or stop young black men on the streets or in malls, when the eyes of shop clerks follow bodies colour, presuming them to be illicit, when workplaces remain relentlessly white in the better paid jobs and fully “coloured” at the lower levels, when affluent areas of the city are all white and poorer areas are mostly of colour, we experience the spatiality of the racial order in which we live.

16. Ibid.
17. Ibid.
19. Ibid. at 72.
20. Supra note 7 at 6.
The theoretical insights of Lefebvre, Soja, Foucault and Razack illuminate the inherently political nature of space. According to them, space plays a central role in the constitution of identities and the perpetuation of power relations in society. In the sections that follow, I will consider the role that two very different spaces—the university law school and the inner city—might play in law students’ understandings of the roles of lawyers in the struggle for social justice.

II. Law school, privileged space and the production of elite identities
It is uncontroversial to point out that law school is “a powerful transformative experience” that profoundly affects the identities and ideologies of law students. Indeed, law schools have been described as “significant sites” of influence over professional ideology. In this section, I will consider how law schools, including the College of Law at the University of Saskatchewan, are constructed as privileged spaces that tend to reproduce in law students forms of consciousness “required for the perpetuation and legitimization of the social relations prevalent in a class society.” Equipped with these forms of consciousness, students are primed and positioned to embrace status quo understandings of legal practice and the role of lawyers in society.

In an often-cited polemic about legal education, Duncan Kennedy argued that law school serves as “ideological training for willing service in the hierarchies of the welfare state.” Echoing Kennedy, Robert Granfield’s detailed ethnographic study of law students at Harvard Law School showed that the process of legal education in law schools “provides the ideological foundation and social skills for those who are destined to become the servants of the power elite.”

Importantly, Granfield noted that many students enter law school with the desire to use their legal education to work for social justice. However, his study showed that the law school experience overwhelmingly creates

23. Ibid. at 29.
24. Supra note 6 at 51.
26. Supra note 6 at 15.
a "disjuncture" in students between their original ideals and the values articulated in law school. Granfield observed that students tended to resolve these tensions in ways that justified "occupational choices that favor corporate practice," and that as a result very few students left law school with an interest in pursuing public interest or social justice-related work. Therefore, he noted, law schooling "represents a moral transformation through which students disassociate themselves from previously held notions about justice and replace them with new views consistent with the status quo."  

Numerous writers have attempted to distill the elements of the law school experience that tend to promote in once-idealistic students an allegiance to status quo ideologies. Some have focused on the traditional emphasis in law school pedagogy on an examination of the decisions of appellate courts through the case method. The case method tends to privilege a positivist account of the nature of law, where appellate courts accept a set of facts as "given" and then reveal the "correct" answer in each case. In addition, law tends to be presented in judicial decisions as acontextual, apolitical and neutral. This fact leads Janet Mosher to argue that "much of legal education simply accepts existing social, political, and economic arrangements as givens—neither open to, nor worthy of, serious consideration and critique." Consequently, most law students can "continue throughout their legal education under the misapprehension that law is intentionally neutral". In this way, law students learn to accept a process of legal reasoning that isolates them from social and political context. Granfield writes that "[t]his ability to disregard social contexts is part of the self-alienating ideology associated with legal consciousness."

Kim Economides has observed that the acontextual process of legal reasoning promoted in law school fosters a "myopic cynical positivism" in law students. This cynicism functions to undermine students’

27. Ibid. at 37.
28. Ibid. at 73.
30. Supra note 29 at 625.
31. Ibid. at 624.
33. Supra note 6 at 53.
34. Economides, supra note 22 at 26.
understanding and belief in the possibility of social justice: law students are “weaned away from previous ideas about the relationship between doing law and doing good.” Indeed, Duncan Kennedy argues that legal education teaches students that initial feelings of outrage at injustice are “naïve, nonlegal, irrelevant to what you’re supposed to be learning.” Granfield’s study showed that during law school, most students replaced a “justice-oriented consciousness” with a “game-oriented consciousness.” That is, students came to understand law not as “a collection of principles that would lead to just decisions, but rather as nothing more than a game performed by practitioners for the sake of being victorious.”

Janet Mosher describes how that this so-called “game” mentality leads to an acceptance of status quo power relations, stating that legal education “communicates to students that, as lawyers, their role is not to seek substantive change to the existing order, but to get what they can for their clients within that order.” Consequently,

legal education prepares students to work within the existing order, marginally, incrementally modifying it through litigation. A reasonable deduction which follows is that lawyers trained in this anti-critical educational environment are unlikely to see client problems as anything other than individual problems, are unlikely to search for systemic patterns of oppression, are unlikely to attempt to understand the structural roots of client problems, are even less likely to challenge those structures...In sum, anti-critical legal education is the forbearer of anti-critical lawyering practices.

Mosher identifies three characteristics of “anti-critical lawyering practices” that are promoted by “anti-critical legal education”. First, legal education promotes the idea that lawyering is about individualized, case-by-case legal services. Thus, “[b]roadening the context to question whether others share a similar problem, or to include an assessment of social, economic, or political structures, is beyond the reach of most lawyering.” Second, legal education trains lawyers to adopt a sort of “tunnel vision” causing them to quickly conceptualize problems as technical “legal” problems

35. Supra note 6 at 8.
36. Supra note 25 at 594.
37. Supra note 6 at 52.
38. Ibid. at 63.
39. Supra note 29 at 625. Similarly, Jane H. Aiken states that law students learn to “believe that the lawyer is powerless to shape the outcome except through ‘playing the game’": Jane H. Aiken, “Provocateurs for Justice” (2000-2001) 7 Clinical L. Rev. 287 at 293.
40. Ibid. at 626 (emphasis added).
41. Ibid. at 616.
42. Ibid. at 617.
with solutions within the bounds of the legal system.\textsuperscript{43} Third, anti-critical lawyering is committed to instrumentalism, where “success” is narrowly defined by a positive legal result, and the possibility of broader systemic change is ignored.\textsuperscript{44}

The process of adopting these anti-critical understandings about the function of law and legal practice is indicative of the construction of a “professional identity” by law students that sets them apart from “non-professionals.” Granfield asserts that the boundary construction process inherent within legal education illustrates to students that ‘naïve’ views of justice and social activism are characteristic of the non-professional mind, one untrained in the skills of legal rational analysis.\textsuperscript{45} Law school training transforms students from outsiders, who are seen as possessing elementary perceptions of justice, to professionals who recognize the true complexity of social relations and social policy questions that await them in the future.\textsuperscript{46}

The “space” of the law school contributes in significant ways to the construction of these professional identities and notions about lawyering and law. At the most basic level, the law school is the shared space where this collective identity formation occurs for students. That is, the law school is the physical site where the transformation of law students from “outsiders” to “professionals” takes place. Thus, the law school functions as a space of privilege and elite knowledge with which students align in order to produce and reaffirm their own emerging professional identities. These identities, as set out above, tend to be reflective and supportive of dominant power relations. They also firmly eschew the notion that lawyers should be directly involved in social justice struggles which may involve challenges to the status quo.

Philip C. Kissam describes the ways that the spatial elements of law schools function to reinforce what he calls the “discipline of law schools.”\textsuperscript{47} The discipline of law schools, according to Kissam, consists of the “subterranean and habitual systems of routine practices and tacit lessons” within law schools that function to produce the beliefs about law and lawyering held by law students.\textsuperscript{48} For Kissam, the actual architecture of many law schools sends a variety of disciplinary messages to law students. He notes that the physical distancing and separation of law school buildings

\textsuperscript{43} Ibid.
\textsuperscript{44} Ibid.
\textsuperscript{45} Supra note 6 at 74.
\textsuperscript{46} Supra note 29 at 4.
\textsuperscript{47} Ibid.
from other university buildings sends the message that law is separate and quite different from endeavours of other faculties within the university.\textsuperscript{48} Furthermore, the rich and formal architecture of many law schools tends to send the message that law is “important, serious, a formal enterprise.”\textsuperscript{49}

Classrooms, moot courtrooms and other spaces within the law school building also function to reinforce disciplinary messages about law and lawyering. For example, amphitheatre-style classrooms are designed to mimic what Kissam calls an “inverted courtroom.”\textsuperscript{50} Students are typically seated behind desks in a terraced pattern, with the professor at a podium below them. Indeed, all of the larger classrooms and the lecture theatre at the College of Law at the University of Saskatchewan are arranged in this fashion. Kissam argues that the distancing of professors from students sends a message that the professor is neutral with respect to each student and also that he or she possesses authority to explain and convey legal doctrine.\textsuperscript{51} At the same time, the placement of students above the professor also signals a “consumer-producer relationship”\textsuperscript{52} wherein professors are constrained to satisfy the demands of student-consumers for knowledge that will in turn increase their “marketability” within the profession. After all, as Susan Boyd has pointed out, many law students view themselves as consumers who are paying a high premium for their education and therefore may seek legal knowledge that is perceived as marketable, rather than intellectually challenging.\textsuperscript{53} Amphitheatre classrooms also facilitate what Kissam calls “reciprocal surveillance” wherein students can monitor every movement of the professor and each other, and the professor in turn can observe individual students. This reciprocal surveillance functions to “enforce conformity to conventional norms, especially the ideal of a precise, careful, objective analysis of judicial opinions…and the modeling of a unique professional expertise.”\textsuperscript{54}

Other law school spaces also work to reinforce disciplinary messages of hierarchy and authority and the role of law and lawyers. For example, moot court rooms signal the primacy of litigation and the adversarial system and reinforce the notion of deference to judicial authority.\textsuperscript{55} And law school libraries, with their typical prominent displays of case reporters,

\begin{itemize}
  \item \textsuperscript{48} Ibid. at 72.
  \item \textsuperscript{49} Ibid.
  \item \textsuperscript{50} Ibid. at 74.
  \item \textsuperscript{51} Ibid.
  \item \textsuperscript{52} See Ibid.
  \item \textsuperscript{53} Susan Boyd, “ Corporatism and Legal Education in Canada” (2005) 14 Soc. & Leg. Stud. 287 at 291.
  \item \textsuperscript{54} Kissam, supra note 29 at 75.
  \item \textsuperscript{55} Ibid. at 77.
\end{itemize}
signal and reify the dominance of the case method. The University of Saskatchewan’s law library is interesting in that the main study area, on the main floor, is visible through glass windows that run the length of the faculty office area on the third floor of the building and which effectively surround the library from above. In this way, students studying are clearly visible to faculty and any other individuals traversing the faculty office area, and in turn students in the library can gaze upwards to watch professors and others moving above them. Kissam’s concept of reciprocal surveillance, discussed above, seems applicable in this space.

Law schools are also sites where racial privilege is reproduced and reinforced. Wendy Leo Moore describes how elite American law schools were historically constructed as “white institutional spaces within which students were taught to internalize a form of ‘thinking’ patterned after the reasoning of elite men who sought to protect and extend their power.” The University of Saskatchewan College of Law is interesting in this regard because it quite prominently houses the Native Law Centre of Canada. The Native Law Centre strives to “facilitate access to legal education for Aboriginal peoples, to promote the development of the law and the legal system in Canada in ways which better accommodate the advancement of Aboriginal peoples and communities, and to disseminate information concerning Aboriginal peoples and the law.” Significantly, the Native Law Centre operates several programs with the aim of reducing barriers to legal education faced by Aboriginal students, including the Program for Legal Studies for Native People. The presence of the Native Law Centre sends the message that access to justice for Aboriginal people in Canada is important and that legal education must be accessible to Aboriginal students. In other words, it disrupts the notion of purely white institutional space. At the same time, in the main areas of the law school frequented by students, many of the walls are dedicated to framed photographs of past graduating classes and plaques commemorating charitable donations to the College of Law. The photographs feature almost all white faces, and the names of charitable donors are almost all those of individuals who are members of dominant groups in Saskatchewan—English, German, and so on. The message is an ever-so tacit privileging of dominant or status quo power relations within the main areas of the law school. As Moore writes, the “elite white men whose portraits line the walls [of law schools] are the

56. Ibid. at 80.
58. See Native Law Centre of Canada website online: <http://www.usask.ca/nativelaw/>.
59. Ibid.
very people who constructed this law, as well the pedagogy utilized to reproduce their frames in the minds of budding lawyers.60

Another notable and related aspect of law school space deserves mention. This is the increasing corporatization of law schools, which is related to the corportatization of university space more generally under neo-liberal ideological logic.61 This “corporatization” tends to reinforce messages regarding elite identity and professional knowledge being imparted to students more generally. At the University of Saskatchewan College of Law, for example, students attend lectures in the “McPherson Leslie Tyerman Lecture Theatre” and socialize in the “Fraser Milner Casgrain Student Lounge.” The presence of corporate law firms and elite culture is felt also in the prevalence of posters on law school bulletin boards advertising “wine and cheese” events at law firms. This is an example of how corporate law firms, through their lavish recruitment of law students, play a major role in the shaping of “elite” identities of law students in law school.62 In this way, it becomes clear that the space of the law school itself has been literally and symbolically marked by corporate law firms, painting it as elite space, and promoting the assimilation of law students to the values of the larger legal community.63

The work of Sherene Razack and Carol Schick can provide further insight into the ways that law school space functions to perpetuate dominant ideologies and visions of legal practice in law students. In her work on the function of space in the production of racist social relations, Sherene Razack points out that “social relations that converge in specific sites mark out places of privilege and elite formation against contamination by an outside Other.”64 In other words, by aligning and identifying with particular spaces, members of a group can define themselves as “dominant” in relation to those who are not so aligned.

Drawing on Sherene Razack’s theoretical approach, Carol Schick analyzed, through an ethnographic study, how white education students at the University of Saskatchewan relied on their exclusive access to elite university space “to produce themselves as dominant”. Schick noted that the students tended to describe university space as being qualitatively

60. Supra note 57 at 38.
62. Supra note 6 at 134.
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different than non-University space. In particular, the students in her study associated university space as being characterized by “abstraction, objectivity, and rationality,” in contrast to the space outside of the university, which these students described as “political, embodied, and not necessarily rational.” Identifying and aligning themselves with university space, the students reaffirmed their “bourgeois, racialized identity as not-Other.”

Similarly, law students who identify with the space of the law school, which is perceived and experienced to be a locus of elite knowledge, can reaffirm privileged identities that set them apart from those not associated with this space.

Of course, law schools have responded and reshaped curricula in response to many of the critiques about legal education referred to above. For example, law schools have introduced courses, such as feminist legal theory courses, that attempt to “make explicit the role of law in reproducing the oppression of particular groups.” A recent article calls these courses examples of “outsider pedagogy.” These courses attempt to carve out, within the space of the law school, alternative spaces for critical reflection on law and legal practice. In other words, such courses offer the possibility of creating environments in law school “in which otherwise silent voices have not only space, but credibility and power.”

Law schools have also introduced courses that explicitly critique and offer alternatives to traditional models of lawyering, including alternate dispute resolution courses. Some law professors attempt to integrate critical and progressive views of law in their substantive law and other courses. However, despite these pedagogical counter-currents within law schools, Janet Mosher asserts that changes in the curriculum have been at the periphery, with little impact upon the core of legal education....Perhaps more importantly, these changes have not caused most legal educators to think critically about the vision of lawyering which they impart to students.

65. Ibid. at 101.
66. Ibid. at 107.
67. Mosher, supra note 29 at 630.
68. Supra note 32 at 672. “Outsider pedagogy” is described by the authors as approaches to teaching law that focus on the critical perspectives of members of groups who have historically been marginalized in society, or who have been “outside the realm of fashioning, teaching, and adjudicating the law.”
69. Ibid. at 674.
70. See, for example, Julie MacFarlane, “What Does the Changing Culture of Legal Practice Mean for Legal Education?” (2001) 20 Windsor YB Access Just. 191.
71. Supra note 29 at 630.
It must also be noted that law students are not a homogenous group, and individual students are affected in different ways by the experience of law school. Students come to the space of law school not as blank canvasses waiting to be inscribed with a professional identity, but with various motivations, backgrounds, and life experiences. However, studies have shown that in the face of dominant messages about law and the role of lawyers, many students respond by actively shaping their identities and ideologies to conform to status quo expectations. Those students who do resist these dominant messages may feel like "outsiders". In other words, they feel that they do not "belong" in the space of the law school. Wendy Leo Moore discusses in detail the pain, conflict and resistance of some students of colour in the face of the racial ideologies and structures of law schools. Writing about her experience as a First Nations law student, Patricia Monture refers to what she calls the "something missing feeling" in legal education experienced by many Aboriginal law students.

This section has described how the space of the law school is constructed and experienced as a site of privilege, identified with elite professional identities. Law school space is physically and symbolically marked by corporate interests, which clearly reflect an acceptance of status quo power relations. The method of legal education taking place within law school classrooms tends to reproduce notions of law as acontextual, apolitical and intentionally neutral. This, in turn, promotes anti-critical visions of lawyering, a view that lawyering is about "moral neutrality and technical competence." Law school architecture and the physical spaces within law schools reinforce and reproduce these disciplinary tactics. Despite currents of resistance, such as "outsider pedagogy" and individual students and professors who resist dominant messages in law school space, the privileged space of law school tends to produce and reproduce professional identities in law students that alienate them from understandings that lawyers might have an activist role in taking a stand against, and working to change, systemic social injustice.

72. See, for example, supra note 6.
73. Kissam, supra note 29 at 678.
74. See supra note 57 at 141-162.
75. Patricia A. Monture, "Now that the Door is Open: First Nations and the Law School Experience" (1990) 15 Queen's L.J. 179 at 185.
III. The inner city as marginalized space

Physically and psychologically removed from the privileged space of the University of Saskatchewan, the CLASSIC clinic occupies a geographical location that clearly marks it in the dominant imagination as “inner city.” Saskatoon’s inner city is located on the city’s “west-side”, which is distinguished from the more affluent east-side where the University of Saskatchewan is located. The South Saskatchewan River marks the dividing line between the east and west sides of the City, functioning as a “natural...barrier dividing the west-side neighbourhoods from the affluent east-side neighbourhoods.”

Running parallel to the river and reinforcing the separation between east and west is Idylwyld Drive, which has been referred to as Saskatoon’s “great divide.”

Poverty is pervasive in Saskatoon’s west-side inner city neighbourhoods. Indeed, in the city’s six contiguous inner city neighbourhoods, a high percentage of households subsist below the low-income cut-off line. The high rate of poverty has major and debilitating effects on residents. For example, a major empirical study recently highlighted momentous disparities between Saskatoon’s inner city neighbourhoods and the rest of the City in terms of the health of residents. Saskatoon’s inner city has been referred to as a “food desert,” with little or no ready access for residents to healthy and affordable food. Recent skyrocketing increases in the cost of rental housing is a factor in an increase in the rate of homelessness in the city. Clearly, poverty in Saskatoon’s core neighbourhoods is real and has material effects on the people who live in inner city space.

Critical geographers and other researchers have described the ways in which poor, inner city space is materially structured through the political processes of urban design, and how exclusion and exclusivity are produced through the process of city planning. A key factor in the creation of

78. Ibid.
80. Ibid. at 126.
marginalized inner city space is the so-called "concentric zone model" of urban planning, which creates an urban landscape where "the inner core is often poor, surrounded by increasingly wealthy neighborhoods." Afluent residents move outwards, to suburbs and outlying parts of the city, taking with them resources and services. Left behind are "the racial poor... simultaneously rendered peripheral in terms of urban location and marginalized in terms of power." In Saskatoon, this process takes the form of neighbourhood development and infrastructure persisting eastward, as if in flight from the "west side," which remains isolated from amenities and services. Thus,

[...] the growth of wealthy neighborhoods on the outskirts surrounding low income neighborhoods within the center produces severe differentiations and lack of cohesion among communities. In sum, the concentration of poverty in many core neighborhoods creates serious community differences and social, economic and political tensions.

The above discussion underscores how in Saskatoon, as in other North American urban centres, the "inner city" is literally and materially constructed as a result of urban planning processes and other political decisions. But the fantasy of the "inner city" as degenerate space in dominant discourse also plays a symbolic role in the reproduction of power relationships in society. In turn, it seems certain that concepts of the inner city and its inhabitants play a key role in the political and planning decisions that produce and reproduce inner city space. This is an example of the mutually constitutive nature of space in which "the symbolic and the material work through each other to constitute a space." In other words, dominant racist and classist ideologies inform the process of the material creation of the "inner city," which in turn serves to inform and shape these ideologies.

How, then, is the inner city understood in the dominant imagination? Melissa Gilbert states that in popular discourse, the "inner city is constructed as a place of immorality, crime, and poverty, being inhabited primarily by racial minorities." David Goldberg echoes this description, explaining

84. Supra note 77 at 10.
85. Supra note 83 at 71.
86. Supra note 77 at 10.
87. Ibid.
88. See supra note 7 at 8.
that the inner city is imagined as the site of chaos and degeneracy, contained and marginalized within the larger urban “cityscape”:

The openness of the extended urban outside pressed in upon confined urban racial ghettoes. Outer was projected as the locus of desire, the terminus of (upward) mobility; inner was painted as bleak, degenerate space, as the anarchic space to be avoided.90

As the above quotes highlight, themes of race and racism play out prominently and insistent in discourse about inner city space. John Calmore notes that the term “inner city” and “poverty” are often code for “black, and often brown, people”91 The racialization of inner city space is a common urban phenomenon in Canadian and American cities, leading to the “intersection of race, space, and poverty” in inner city neighbourhoods.92

In Saskatoon, the vast majority of the Aboriginal population is concentrated on the west side of the City. While Aboriginal people do not make up the majority of any individual inner city neighbourhood, some inner city neighbourhoods have Aboriginal populations of up to 30%.93 In contrast, certain affluent east side neighbourhoods have virtually no Aboriginal residents whatsoever.94 However, regardless of the empirical statistics, it is the presence of Aboriginal people that most threaten “discourses of hegemonic whiteness”95 and so it is unsurprising that Saskatoon’s inner city space is portrayed in dominant, racist discourse as Aboriginal space, and therefore threatening and dangerous territory for white citizens.

An illustration of this dominant understanding is found in a recent Maclean’s Magazine article that declares Saskatoon to be the “most dangerous city” in Canada. The article unabashedly connects the fact of a high urban Aboriginal population with crime and danger on Saskatoon’s inner city streets.96 It includes the caption, in bold type, “Still the Wild West!” to describe crime in Saskatoon and other western Canadian cities, a clear appeal to colonial-style “Cowboys and Indians” narratives. Such captions and arguments are only possible when there is a dominant logic

90. Supra note 83 at 72.
91. Supra note 10 at 1929.
92. Ibid.
93. Supra note 77 at 10; and Evelyn Peters, “Aboriginal People in Cities: Myths, Realities and Implications for Public Policy”, public lecture at the University of Saskatchewan, February 25, 2009.
94. Spence, ibid. at 10.
95. Supra note 64 at 103.
that accepts that “Aboriginal” is synonymous with crime, chaos and poverty. The “wild west” caption also carries a more sinister allusion to notions that Indians need to be controlled and civilized. Thus, it sends the message that the inner city is a kind of contained “frontier” space, where crime runs rampant, and where undesirable members of society exist, in constant need of discipline. This is an illustration of Sherene Razack’s observation that the inner city is “racialized space, the zone in which all that is not respectable is contained.”

Thus, in Saskatoon, as in other urban centres, inner city space functions to perpetuate colonial race relations. As Razack points out, colonialism in Canada at first meant the spatial separation of the colonizer and the colonized through the reserve system. She describes how this pattern is replaced to some extent by the segregation of urban space into inner city space and non-inner city space, where inner city space is subject to ongoing subjugation. Razack describes this as the dynamics of “ongoing colonization,” where Aboriginal peoples are over-policed, heavily incarcerated, and where dominant narratives of Aboriginal degeneracy are continually played out. David Goldberg describes this process of marginalization by invoking the concept of the inner city as “periphrastic space”:

This notion of *periphrastic* space is relational: It does not require the absolute displacements of persons to or outside city limits, to the literal margins of urban space. It merely entails their circumscription in terms of location and their limitation in terms of access — to power, to (the realization of) rights, and to good and services... [T]he circumscribing fences may be physical or imagined. In short, periphrastic space implies dislocation, displacement, and division. It has become the primary mode by which the space of racial marginality has been articulated and reproduced.

Through the material and symbolic marginalization of “undesirable” groups in periphrastic inner city space, dominant groups can reinforce the idea that the “city belongs to the settlers.” This ideology of dominance is seen as continually under threat, and “gives rise to a careful management of boundaries within urban space.” John Calmore describes how members

98. Ibid.
100. *Ibid* note 97 at 129.
101. *Ibid*. 
of dominant or affluent urban areas “look inward to perpetuate an insular, defensive localism that personifies the racilized inner-city poor as threats to their personal safety and their neighbourhoods’s quality of life. Rigid exclusion of those below is the watchword.” This “management of boundaries” is experienced on a daily basis in Saskatoon by Aboriginal people who are present in non-inner-city neighbourhoods. For example, the Royal Commission on Aboriginal Peoples referred to the fear that many Aboriginal people in Saskatoon feel when entering white areas of the city. This fear is confirmed by the daily experiences of Indigenous women, men and children in Saskatoon, who feel under surveillance at any time that they step into space that is understood as belonging to white people. Thus, the conception that certain neighbourhoods are “possessed by whites” is affirmed and constantly reproduced.

IV. Clinical legal education on 20th Street: risks and possibilities

The discussion so far has considered two very different spaces. First, I focused on the space of the law school, and examined the ways in which this space contributes to the tendency of law students to identify with an elite professional identity, accept status quo social relations, and understand lawyering as an apolitical profession with little or no connection to social justice. The discussion then moved “across the river” to consider the ways in which inner city space is constructed, both materially and discursively. It considered in particular the ways that those deemed “undesirable” by dominant society are circumscribed in inner city space, perpetuating dominant classist and racist social relations. What happens, then, when the law school “gets involved” in inner city space? This is the subject of the remainder of this paper. As set out in the Introduction, it is my belief that the inner city can be a site where dominant understandings of legal practice can be shaken, disrupted and possibly replaced with alternate visions. But this possibility exists in tension with a risk that certain students will, through their experience in inner city space, simply reproduce dominant narratives and ideologies about poverty, race, class, and legal practice. It is to this risk that I will turn first.

102. Supra note 10 at 1946.
103. As described in Razack, supra note 97 at 133.
104. Sylvia McAdam, a First Nations law student at the University of Saskatchewan College of law, relayed a story of her children being asked by a white resident of neighbourhood what “they were doing” in the neighbourhood, having recently moved there.
1. Inner city space and the reproduction of dominant identities and ideologies

Students enrolled in the clinical law program at the University of Saskatchewan travel to the CLASSIC clinic on 20th Street with images of professionalism and lawyering that they have formed in law school. They immediately assume carriage of client files in several different areas of law, including residential tenancies law, workers' rights, social assistance and other public benefits, immigration law, assistance with residential school claims, and wills and estates matters. Students are also responsible for up to one hour of dedicated client “intake” each week during CLASSIC's “walk-in” hours. Students almost immediately confront clients in crisis, clients who do not show up for scheduled appointments, clients who exhibit behaviours and ideas that do not necessarily conform with mainstream norms, clients whose problems seem messy and confusing, light years away from the “well-structured problems” of law school examinations.

The encounters can serve to reinforce dominant understandings about inner city space and legal practice. That is, preconceived stereotypes about poverty and clients in inner city space may cause students to perceive their clients’ actions in ways that simply reinforce these understandings. A common refrain that I have heard from students, for example, is a sense of frustration with clients who appear to not be appropriately prioritizing their legal matter. As a result, some students might perceive clients who miss appointments or fail to return phone calls as irresponsible, irrational, or even lazy. Another example is provided in an article by Robert Rader, a law student who reflected on his clinical law experience working at a poverty law clinic representing indigent criminally accused clients. In a discussion about what law students were “looking for” in a clinical law experience, he wrote: “What they were looking for, I don’t know, but I expect it was aggravation.”

The work of anti-colonial and critical race scholars Radhika Mohanram and Richard Phillips is helpful in shaping an understanding about the ways that an experience in inner city space can function to simply reproduce dominant understandings for law students. In her work on “the black body,” Radhika Mohanram describes the ways that privileged white subjects are imagined differently than “black bodies” in our social order. She explains: “First, whiteness has the ability to move; second, the ability to move results in the unmarking of the body. In contrast, blackness is signified through a

marking and is always static and immobilizing.”

Monhanram describes the ways that white subjects understand themselves as being able to move freely into space occupied by the “Indigene,” and how the white colonizer ultimately comes to know himself as dominant through his journey from European to non-European space.

Similarly, Richard Phillips, in his analysis of the colonial “adventure stories,” describes how members of dominant groups gain a sense of dominance and self through journeys from “civilized” to “primitive” space and back again:

The subject who comes to know himself through such journeys first imagines his own space as civilized, in contrast to the space of the racial Other; second, he engages in transgression, which is a movement from respectable to degenerate space, a risk venture from which he returns unscathed; and third, he learns that he is in control of the journey through individual practices of domination.

Mohanram and Phillips make the point that racialized space can serve as a site to which members of dominant groups travel in order to experience “the Other” and in so doing reinforce their own identity of superiority and domination. Certainly, the spectre of this neo-colonial narrative playing out in the case of law students in inner city space is ever-present. Journeying from the respectable, elite space of the law school to the “degenerate” space of the inner city, and then journeying back again, can confirm to students that they are privileged future professionals who can “survive a dangerous encounter with the racial Other and who have an unquestioned right to go anywhere and do anything.”

Given the pervasiveness of dominant discourse about the inner city, students who enter this space from a location and identity of privilege may find that their clinical work simply reinforces ideas about inner city space as filled with individuals who exhibit poverty as a personal failing. Furthermore, their position as “law students,” identified with the space of law school and professional privilege, can easily lead to conceptions of superiority, control, and a desire to implement acontextualized legal solutions in their clinical work.

Many writers have pointed out in detail the myriad ways that lawyers who enter marginalized communities equipped with a sense of entitlement and dominance and then attempt to enact traditional lawyering methods can perpetuate unequal and oppressive power relations. For example,

109. Ibid. at 13.
110. Ibid. at 13-14.
111. Supra note 97 at 127.
Gerald Lopez warns about "regnant lawyering" which occurs when well-meaning lawyers assume themselves to be the "preeminent problem-solvers in most situations they find themselves trying to alter." 112 Imai calls this "epistemological imperialism" which involves "invading, subjugating and transforming other peoples' realities into forms and concepts that [make] sense in the world of law." 113 Through the reproduction of the traditional lawyer-client roles, regnant lawyers "reenact the cultural and socio-economic marginalization of poor clients and communities in their advocacy." 114 In this way, traditional, regnant lawyering reinforces concepts of superiority and elite knowledge in lawyers. In sum, conceptions of regnant lawyering that students may carry with them into inner city space actively work against "the creation of counter-hegemonic discourses about needs, and about justice, and contradicts a fundamental premise of social movements - confidence in the ability of the oppressed to name, and to take action to change, the unjust order which shapes their everyday realities." 115

Furthermore, as Jane Aiken points out, merely providing students with a "justice experience" through a clinical law program does not necessarily teach students enough about the role and responsibilities of lawyers in the fight for social justice:

A 'justice experience' is too often like that trip to Paris: it was an exciting trip that one occasionally reflects upon and that provides fodder for good stories. It makes me interesting but not a Parisian. 116

Perhaps even more problematic is the reaffirmation of a sense of professional dominance and superiority to the inner city "Other" that this

113. Supra note 106 at 197.
114. Supra note 9 at 1852.
115. Mosher, supra note 29 at 624.
116. Aiken, supra note 39 at 287. Indeed, it should be noted that although clinical legal education in the United States and Canada has its historic roots in the radical social movements of the 1960s, the relationship of clinical legal education and social justice is contested. That is, some clinicians and law schools advocate a purely "skills based" approach to clinical legal education. Minna Kotkin describes how "once perceived as a radically new teaching methodology that also infused ideological social goals into law schools, clinical legal education began to serve very different ends: career development for students and efficiency for the private bar." Minna J. Kotkin, "The Law School Clinic as a Training Ground for Public Interest Lawyers" in Jeremy Cooper & Louise G. Trubek, eds., Educating for Justice: Social Values and Legal Education (Aldershot: Ashgate Dartmouth, 1997) at 138. As Lucie White points out, this purportedly apolitical focus on skills acquisition simply works to "to reinforce, rather than reduce, race and class privilege". Lucie White, "The Transformative Potential of Clinical Legal Education" (1997) 35 Osgoode Hall L.J. 603 at 605.
journey to the inner city can produce in some law students. Tokarz and her co-authors describe this danger as a "collision of cultures":

When lawyers and law students come into communities, there often is a meeting- or a collision — of cultures. Too often these encounters may be destructive....The notion that we are 'professionals' above the cultural fray, using skills to solve problems wherever they arise, leaves lawyers (and law students in practice) vulnerable either to never seeing the collision or to hearing the invitation to participate in the engagement in a different manner.\textsuperscript{117}

In this way, lawyers and law students traveling to inner city space may find themselves as "system insiders and community outsiders."\textsuperscript{118}

2. \textit{Inner city space as "thirdspace": radical possibilities}

What then is the "invitation to participate"? How can the inner city be understood or experienced as a site of critical pedagogical possibilities? What can clinical law educators who aspire to be "provocateurs for justice"\textsuperscript{119} do to guide students into this space of counter-hegemonic learning and, once there, to "unmap" dominant views? And what lessons about justice and lawyering might be revealed in this space? These questions inform the discussion for the remainder of this essay. After a brief introduction to "critical pedagogy" as a pedagogical approach for clinical legal education, I turn to the visions of feminist theorist bell hooks and critical social geographer Edward Soja, among others, of the radical potential within marginalized space, or what Soja describes as "thirdspace."\textsuperscript{120} Drawing on the experience of the University of Saskatchewan's clinical law program, I then discuss some critical pedagogical practices that clinical legal educators might employ to help guide students into "thirdspace."

Drawing widely from critical theory, feminist theory, postmodern social theory and Freirian pedagogy, critical pedagogy is a movement within pedagogical scholarship that understands formal education as a form of "cultural politics," in that our educational systems work to legitimate a social order that is based on inequalities, sexism, racism, classism and injustice.\textsuperscript{121} As such, critical pedagogy aims to "understand, reveal, and disrupt the mechanisms of oppression imposed by the established order,

\textsuperscript{117} Supra note 8 at 372.
\textsuperscript{118} Nancy Cook, "Looking for Justice on a Two-Way Street" (2006), 20 Wash U. J. L. & Pol'y 169 at 187.
\textsuperscript{119} This term is used by Jane H. Aiken to describe clinicians who seek to inspire students to work for justice. See Aiken, supra note 39.
\textsuperscript{120} I am grateful to John Calmore's article, in which he discusses hooks' and Soja's work together. See Calmore, supra note 10.
\textsuperscript{121} Supra note 11 at 274.
suturing the processes and aims of education to emancipatory goals.'" In other words, critical pedagogy takes on the task of "educating students to become critical agents who actively question and negotiate the relationships between theory and practice, critical analysis and common sense, and learning and social change." It assumes that knowledge is dependent on our ability to critically understand our relationship with the world and our experience within it, through 'problem-posing education' in which students learn from problems which originate from or become part of their own experience. Learning thus becomes 'an act of cognition which unveils reality.'

The pedagogical practices of clinical legal education described below are aligned with a critical pedagogical approach. That is, these approaches seek to encourage students to actively and critically reflect on their experience in the inner city clinical law setting, and to highlight the ways in which traditional lawyering and legal education are not neutral but rather function to legitimate the status quo.

In her essay "Choosing the Margin as a Space of Radical Openness," feminist theorist bell hooks sets out a conception of the way that marginalized space can function as a site of resistance to oppression and dominant ideologies. Writing about "the politics of location," hooks calls for those who seek to "participate in the formation of counter-hegemonic cultural practice to identify the spaces where we begin the process of revision." She asks, "[w]ithin complex and ever shifting realms of power relations, do we position ourselves on the side of colonizing mentality? Or do we continue to stand in political resistance with the oppressed?" In lyrical style, hooks describes spaces of marginality as sites of resistance to domination, with the potential to transform those who "enter":

125. bell hooks, Yearning: Race, Gender, and Cultural Politics (Toronto: Between the Lines, 1990) 145 (emphasis added).
126. Ibid.
This is an intervention. A message from that space in the margin that is a site of creativity and power, that inclusive space where we recover ourselves, where we move in solidarity to erase the category colonized/colonizer. Marginality as site of resistance. Enter that space. Let us meet there. Enter that space. We greet you as liberators.127

Postmodern political geographer Edward Soja uses bell hooks’ conception of margins as spaces of struggle and radical understandings to develop his idea of “thirdspace.” Soja conceptualizes “thirdspace” as a “space of radical openness, a site of resistance and struggle.”128 For Soja, entering thirdspace entails moving past conceptions of “firstspace” and “secondspace.” Firstspace refers to familiar and dominant concepts of space and geography as empirically “mappable” and “measurable,” a notion of space as apolitical and describable in material terms.129 A “secondspace” perspective, for Soja, focuses on the subjective and ideological representations of space. Soja writes: “Rather than being entirely fixed on materially perceivable spaces and geographies, [secondspace] concentrates on and explores more cognitive, conceptual, and symbolic worlds.”130 In contrast, a thirdspace perspective transcends binarisms where space is conceptualized as either real-or-imagined, or material-or-metaphorical, and embraces an understanding of space as infused with strategic significance and meaning.131 A thirdspace consciousness, then, understands space as “a meeting ground … moving beyond entrenched boundaries, a margin or edge where ties can be severed and also where new ties can be forged. It can be mapped but never captured in conventional cartographies; it can be creatively imagined but obtains meaning only when practiced and fully lived.”132

Several poverty law and clinical law writers have also written about the importance of moving towards “the margins” as liberating space in the context of legal education and progressive lawyering. For example, Lucie White writes about the importance of “moving towards the places where disenfranchised groups are finding and making justice.”133 She writes that progressive lawyers must seek ways of:

127. Ibid at 152.
129. Ibid at 17.
130. Ibid at 18.
131. Ibid at 22.
132. Ibid at 28 (emphasis in original).
133. White, supra note 116 at 604 (emphasis in original).
moving ourselves to places where relatively powerless people are pulling themselves together, be those places food pantries, or abandoned buildings, or family court waiting rooms, or the day rooms of mental health clinics, or battered women’s shelters, or production lines of sweatshops...

In other words, in the context of the inner city, progressive lawyers and clinicians must seek to move past the “firstspace” and “secondspace” realities, which include the dominant, negative images of the inner city described above, and seek the ways in which inner city space functions as a site of resistance to these dominant ideologies.

The concept of inner city space as a site of strength and resistance, and as a place where people are already “finding and making justice,” radically disorients the idea of lawyers and law students entering disenfranchised space to offer services to those “in need.” Indeed, if people in marginalized inner city space are already making justice, lawyers and law students are challenged to question to what extent legal practice, and law generally, are connected to or necessary to, these social justice struggles. Notions of professional expertise and privilege are shaken by this understanding.

This understanding of the inner city as a centre of resistance and justice-making also disrupts colonial-style notions of inner city space as “dangerous territory” for the re-affirmation of elite identities. It challenges the concept that law students or lawyers have an unmitigated right to enter the inner city to “help,” or practice legal skills, or provide “access to justice.” Rather, it becomes clear that it is crucial to ensure that there is an “invitation” from the community itself. As Calmore writes,

Practicing law in the community is not a tourist adventure and therefore, we must eschew the routine of the autonomous, interloping advocate who dreams up cases in the home office and then tests them on the community. That is, we must search for invitation, opportunity, and connection that legitimate our very presence and committed practice.

Similarly, Karen Tokarz and her co-authors discuss the importance of lawyers seeking out “hospitality zones” where allies of marginalized communities are welcomed.

Law students working in inner city legal clinics can be actively encouraged to search for hospitality zones, and “invitation, opportunity, and connection” in the community. In the case of the University of Saskatchewan’s clinical law program, this task is made easier because

134. Ibid. at 604.
136. Supra note 8 at 373.
CLASSIC itself has been very intentional about seeking out, and receiving, this invitation from the community. Indeed, CLASSIC’s physical location as a tenant within a multipurpose youth facility, the White Buffalo Youth Lodge, provides a powerful spatial reminder that it is a legal clinic “in the community.” At the beginning of each semester, clinical law students are welcomed warmly by White Buffalo Youth Lodge staff into “their space.” The hospitality of the White Buffalo staff extends to daily invitations to attend “snack time” with the youth in the kitchen. Thus, a common sight is a clinical law student sitting at a table in the large kitchen space with a group of adolescent boys and girls, many who may not have access to any other healthy meal that day. Students and clinical staff have been observed playing basketball with youth, assisting with community events hosted by the White Buffalo Youth Lodge, and attending round dances held at the Lodge. These daily practices that are incorporated into the life of the legal clinic send a message to students that they are welcomed participants in the community, recipients of hospitality, rather than disconnected interlopers.

Beyond its primary relationship with White Buffalo, CLASSIC also seeks close connections with community groups and organizations, with an emphasis on deeper relationships with First Nations and Métis organizations and anti-poverty groups. Students are expected to take an active role in the community work of CLASSIC. Thus, for example, students enrolled in the Advanced Clinical Law class are required to take on a “community project”, which entails working with local groups to identify, develop and implement a project in response to community needs. Recently, students have presented to a conference for inner city teenagers on the impact of a criminal record, provided information about tenants’ rights to a literacy class at the local Food Bank, worked with the Elizabeth Fry Society to consider issues regarding reintegration in the community for women prisoners, and camped out overnight in a local park with a community-based initiative to raise awareness about homelessness.

Members of inner city community groups also take an active role in the education of students in the University of Saskatchewan’s clinical law program. Thus, members of Saskatoon’s Anti-Poverty Coalition, themselves living on social assistance, educate students about the realities and conditions of poverty in the inner city. An exhibit of photographs taken by women living in poverty in Saskatoon is used as a pedagogical tool and source of discussion and reflection about poverty and resistance to injustice by members of the community. Students also learn from community elders about First Nations cultures and historical experiences. Indeed, the resident Elders at the White Buffalo Youth Lodge are increasingly working with law students and their clients, may of whom are residential school
survivors. That is, students are encouraged to inquire whether clients who are residential school survivors would like to speak with an Elder, or have an Elder participate as part of their legal matter. Furthermore, the clinical law class includes education about community agencies, with a specific focus on First Nations and Metis community organizations. In this way, the message is sent to students that the work of community organizations is vital and a major part of the fabric of inner city life.

The above examples of community engagement, which include community legal education, political activism, simple socialization, and learning from residents of inner city space, illustrate a commitment to the practice of what Tokarz et al. call “community lawyering.” They describe community lawyering as:

an approach to the practice of law and to clinical legal education that centers on building and sustaining relationships with clients, over time, in context, as a part of and in conjunction with communities...This approach contemplates a significantly different role for lawyers and clients than that in traditional law practice...one in which the client community or community groups are the protagonists in framing and resolving their concerns, and lawyers act as team members, working both for and with clients.137

In other words, community lawyering is characterized by an emphasis on collaborations with community groups to identify and address client community issues. Rather than assuming a lawyer-centred perspective in the consideration of problems in the community, it “assumes a community perspective.”138 It takes place “in context”—which in CLASSIC’s case is within inner city space, and in relationship with other organizations and communities within that space.

The community lawyering practices referred to above also demonstrate the importance of what Anthony Alfieri and John Calmore refer to as “faith in community.” Anthony Alfieri writes that lawyers working in marginalized communities must abandon preconceived ideas of the role of lawyers and instead embrace faith in the ability of communities to name and address their own problems, which are deeply contextual. Similarly, John Calmore writes that this faith in the community means that lawyers need to take on a role of “collaborative support”:

We must come with a faith in the ability of those in these communities to holdfast to their struggles and their potential to, with support, transform life within these communities. Through collaborative support, we must

137. Supra note 8 at 364-65 (emphasis in original).
138. Ibid. at 363.
have faith that our client base can reconstitute its communities as viable homeplaces.\textsuperscript{139}

The practices described above all create opportunities for law students to see the space of the inner city as a rich and energetic site where communities are actively coming together to create social justice. This shift in perspective, I would assert, is a movement into "thirdspace." This movement disrupts the notion that lawyers come with the solutions and tools to create "justice." It positions lawyers and law students as "outsiders," who can enter not by virtue of their own privilege, expertise, or power, but by invitation from community groups. The emphasis on "faith in community," relationship building, activism, and also the sharing of legal information subverts the notion that the role of lawyers and law students is to address narrowly defined legal issues, and maintain distance from the context of the community. Images of technical dominance and privileged knowledge are unraveled and replaced with an acceptance of an invitation into thirdspace, where lawyers and law students work alongside communities who are already resisting oppression and struggling for greater social justice.

As the above discussion suggests, a pedagogical approach that seeks out thirdspace and community collaboration entails an emphasis on larger strategies beyond individualized case-by-case legal practice. It involves a shift to seeking out invitations and opportunities to collaborate on justice work already happening in communities, where community members are the protagonists in these struggles. This emphasis has the potential to radically shift students' understandings of the role of lawyers in the work of social justice. However, the reality is that at CLASSIC, by far the majority of time is spent on individual client files. Indeed, the ever-growing number of clients\textsuperscript{140} who seek out CLASSIC's assistance to help with problems with landlords, securing government benefits, or other legal problems, show that this central aspect of CLASSIC's work has a vital place in Saskatoon's inner city.

Work on individual client files at CLASSIC involves many of the traditional elements of legal practice – legal research and writing, document preparation, and advocacy before courts and tribunals. Although

\textsuperscript{139} Supra note 10 at 1956.

\textsuperscript{140} The demand for CLASSIC's services has risen dramatically since it opened its doors in February of 2007. At the beginning of 2008, clinical law students at CLASSIC were handling 69 open client files. At the close of 2008, students are handling 157 open client files. This is an increase in excess of 100%. Source: email from Amanda Dodge, Executive Director of CLASSIC. Email on file with author.
the focus of traditional lawyers on case by case, individualized litigation is
certainly related to the acontextual conceptions of legal practice that have
been critiqued above, students’ work with, and critical reflection upon,
individual client files in the context of inner city space in a clinic such as
CLASSIC can serve as another entry way into “thirsdpace.”

How then can the pedagogical shift into “thirsdpace” be facilitated
in the context of students’ work on individual client files? Individualized
casework requires students to develop a relationship with their clients, the
majority of whom inhabit vastly different social and economic worlds from
that of the students. In many cases, effective representation requires that the
student learn significant detail about the material conditions of the client's
life. For example, in a “breach of tenant’s rights” case, students learn
about the dismal rental housing conditions that are endemic in Saskatoon’s
inner city. In a case involving assistance with a reconsideration application
regarding the residential school Common Experience Payment, students
might learn about horrific experiences that a client had at residential
school.

At the most basic level, the work of hooks and Soja lead to the
understanding that just as inner city community groups are actively engaged
in the resistance to unjust structures and are creating rich “thirsdpace,”
individual clients are not “victims” waiting to be “saved” by well-meaning
lawyers or law students, but rather are claiming voice, and resisting
injustice in their day-to-day lives in the face of tremendous constraints.
Anthony Alfieri explains the ways that people living in poverty navigate
hierarchical relationships and oppressions with acts of resistance:

The socio-legal hierarchies impinging on the identity of the poor are
linked to age, class, disability, ethnicity, gender, race, and sexual
orientation. Intimately tied to poverty and powerlessness, these links
reinforce hierarchical roles and relationships. Although constraining,
each hierarchical role and relationship permits large and small acts of
resistance. Performed by the likes of tenants and welfare recipients, the
acts are acutely contextual in meaning.\textsuperscript{141}

Similarly, Austin Sarat’s study of the “legal consciousness of the welfare
poor” describes the ways that recipients of social assistance enact
narratives of resistance to demeaning hierarchies,\textsuperscript{142} and Lucie White
describes vividly the process of a client claiming voice and power within

\textsuperscript{141} Surpr note 9 at 1851.

\textsuperscript{142} Austin Sarat, “...The Law is All Over”: Power, Resistance and the Legal Consciousness of the
the constraining and silencing context of a welfare hearing regarding an alleged overpayment.143

In his description of the practice of “rebellious lawyering,” which he contrasts with “regnant lawyering,” Gerald Lopez writes that lawyers who work with historically marginalized clients should strive to always recognize the agency and voice of individual clients. Anthony Alfieri explains that

[to mitigate the supremacy of lawyer knowledge, rebellious lawyers posit client experience as a legitimate, independent source of useful knowledge. Validating the relevance of client experiential knowledge – the knowledge of tenants and homeowners as well as crime victims and ex-offenders – enables lawyers to recognize clients as partners.144

Thus, students can be encouraged, through reading many of the articles referred to above, and engaging in critical class discussions, to actively reflect on the ways in which their clients take an active role in resisting injustices in their daily lives. This approach focuses on clients’ “coping energies of survival” and acts of “resistance to the oppressive opportunity-denying circumstances of racial-spatial inequality and economic subjugation.”145

This critical reflection on individual clients not as passive victims frozen in inner city space but as active agents resisting subjugation leads inevitably to a consideration of the context within which clients live. In other words, it leads clinical law students to a critical discussion about the systemic forces at play that produce the individual legal problems that bring clients to CLASSIC.146 This critical discussion leads to an awareness that

144. Supra note 9 at 1854.
145. Supra note 10 at 1956.
146. More recently, CLASSIC has explored integrating a more interdisciplinary approach in its work: interdisciplinary practice has been described as a key component of community lawyering by Tokarz et al, supra note 8. Thus, in 2009, a social work student was placed at CLASSIC for her practicum experience. The student worked closely with students on client files, and also participated in one of the clinical law classes. Her perspective, based on an anti-oppression social work model, challenged students to take a more holistic and systemic view of issues confronting their clients. Her ability to challenge and question “legal ways of thinking” helped to challenge notions of professional knowledge among law students. As Harry Arthurs points out, interdisciplinarity represents a challenge or threat to professional knowledge: Harry W. Arthurs, “The Political Economy of Canadian Legal Education” in Anthony Bradney & Fiona Cownie, eds., Transformative Visions of Legal Education (Oxford: Blackwell Publishers, 1998) 14 at 27.
"legal problems," especially those associated with subordinated communities, do not necessarily arise from the failure of individuals to live up to appropriate standards of societal conduct. Rather, these 'problems' are symptomatic of larger failings in the structure of society itself.147

John Calmore reiterates the importance of trying to understand clients "in context," saying that this contextual approach "compels us to confront their problems as public issues that reflect systemic 'contradictions' or 'antagonisms' rather than as 'personal troubles.'" This, confrontation, he says, "directs us to adopt a mission of social justice that redresses oppression."148

Linking the individual circumstances of clients with the larger situation of poverty and marginalization in the inner city requires students to think about and try to define "justice" and "social justice." It requires them to question whether or not providing "access to justice" through individual case representation is actually a means to achieve any meaningful "justice" for their clients. In other words, it requires a considered and critical discussion about systemic and political forces that shape the spaces that their clients inhabit. It is helpful for clinical law educators to have available to students some possible definitions of oppression, social justice, and access to justice. They can be encouraged to reflect on whether their experiences mesh with these definitions. Thus, for example, Iris Marion Young refers to oppression as "structural phenomena that immobilize or diminish a group."149 Clinical law educator Jane Aiken states that in her clinic she identifies oppression as being "pervasive, restricting, hierarchical, complex, and internalized." She states that

[un]derstanding how oppression operates assists in making sense out of many of the phenomena that my students experience. Many of the students in the clinic have given little or no thought to these ideas. Soon enough they will encounter evidence of the effects of oppression in their case handling.150

Clinicians can also seek to assist students develop "critical consciousness" through provocative questions that seek to challenge underlying assumptions. For example, Aiken suggests that "[i]t is helpful...to focus our students on questions such as: 'Where do you see resistance to the

147. Supra note 106 at 197.
148. Supra note 10 at 1937.
150. Aiken, supra note 39 at 297.
solution you seek for your client?' And ‘Who benefits if this solution is denied?’ Similarly, Shin Imai sets out methods by which he seeks to challenge dominant assumptions held by students and reveal alternate understandings about the role of lawyers in marginalized communities.

Given the intensely racialized nature of inner city space and inner city poverty, clinical legal education in the inner city must also “develop a critical vocabulary to present race and racism as part of the poverty story.” This might entail a discussion about the workings of racism in the construction and maintenance of inner city space, and in societal power relations more generally. Because racism pervades all aspects of the inner city, it is important to not only delegate a discussion of race into a discrete topic for discussion, but to raise and talk about issues of racism throughout the course of the year. Thus, for example, in the clinical law session where client interviewing is discussed, students read Michelle Jacobs’ article “People from the Footnotes,” in which she reflects on the dynamics of race and racism in client interviewing.

More often than not, students come to see that their work on individual client files, although critically important in terms of addressing immediate crises, does not in any real way change the material conditions of their clients’ lives. Thus, for example, achieving victory in an eviction case means that the client may be able to stay longer in a suite, but will continue to have to cut into her grocery budget in order to pay the rent. This reality opens up the opportunity for a critical discussion about the limitations of traditional legal practice, and the general inability of the legal system to promote broad or systemic change. Given the reality that “[p]owerful institutions make and implement decisions with real impact on people’s lives, and lawyers are...seen as having advantages in obtaining access to and putting pressure on key decision-makers,” conventional legal practice undeniably has a role to play. However, as Nancy Cook describes, the reality is that “access to justice” in fact does not lead in any meaningful justice for poor clients:

Our clients are not getting ‘access,’ however; they are simply getting protection from what passes for justice. Access implies the potential for gain; what we see in most cases is, at best, the possibility for damage
control. And the lawyers are not changing anything.156

The discussion about the inherent problems with merely providing conventional “access to justice” leads to a critical question about whether lawyers can, in fact, “change anything.” This in turn means that students must examine critically conventional ideas about the role of lawyers in the face of systemic social injustice. In other words, it leads to a turning of the “spotlight” of analysis onto ourselves and our profession. In this way, inner city space functions as a unique vantage point from which to critically examine features of traditional legal practice. That is, it provides a unique angle of vision from which to see features that might not be apparent from other, more privileged spaces. Thus, inner city space can function as a site for critical exploration of the role of lawyers in the perpetuation of power relations and the status quo in society. As Anthony Alfieri writes in the context of a discussion about racism and the law, it is important to examine the role of law and legal practice in the “construction of racial hierarchy and racist ideology and, further, to locate the role of legal agents (judges, lawyers, administrators, and law enforcement officers) in the creation and maintenance of dominant/subordinate race relations.”157 It requires a recognition that, as Sharene Razack writes, “in law, as in life, we inhabit histories of domination and subordination for which we are accountable.”158 Lucie White explains that this kind of ongoing critical self-reflection is crucial for effective anti-poverty and anti-oppressive legal practices:

[our challenge is to hold on to our commitments while at the same time questioning our capacity and legitimacy to act out on the commitments that we have embraced. Our challenge is to practice law for poor people in a way that looks inward, resisting elitist concepts of lawyering, and at the same time looks outward, seeking new ways to ally with ‘clients’ and to join in mutual, but keenly self-reflective, power-sensitive projects of change.159

Ultimately, the critical reflection about “ourselves” from the vantage point of inner city space can be an opportunity for students to make and claim space for alternate and counter-hegemonic visions of lawyering. In the clinical program, students are urged to reflect upon their own cultural assumptions and backgrounds, and to interrogate the ways that these

156. Ibid. at 170.
157. Supra note 9 at 1831.
158. Supra note 97 at 128.
159. White, supra note 116 at 611 (emphasis added).
assumptions affect their work in the inner city. Students who may feel themselves to be “outsiders” in the space of law school may find that their experiences and perspectives place them at “the centre” of class discussions in this regard, challenging assumptions of homogeneity that are so often at play in dominant groups. In this way, it is revealed that some students have personal experiences that provide invaluable insight for others on our work in the inner city. For example, a student was the beneficiary of a community legal clinic’s assistance when her family immigrated to Canada when she was a child. She was able to share with the class her perspective of how difficult it was for her family to be faced with the situation of needing legal assistance, and how important it was to her to witness her father being treated with dignity and respect by a clinical law student. Another student, the daughter of a live-in-caregiver from the Philippines, was able to speak powerfully from her own life experiences and observations of the real effects of systemic and globalized injustice. As Shin Imai writes, “The acknowledgement of students’ own identities in class will help prepare them to value the personal identities of members of the community and to be sensitive to the larger social context which affects those identities.”

The discussions and critical reflection described above has the potential to focus students’ attention on the ways in which culture and values, including the conceptions of lawyering promoted in law school space, shape legal processes and solutions. The conception of lawyering as neutral and apolitical is thereby “denaturalized” and “politicized,” and the responsibility of lawyers to take active stands against social injustice, in collaboration with clients and communities, is brought to the fore. As Jane Aiken writes,

Once we have introduced values as a legitimate source of knowledge and a critical component of lawyerly thinking, we can begin the process of helping our students recognize that they must make choices among conflicting values, and that necessarily means taking ‘stands.’ As provocateurs for justice, we can play critical roles in helping our students make the transition from being able to identify the values content of their choices to making a commitment to social justice.

160. This is an approach also suggested by Shin Imai. See supra note 106 at 209.
161. Ibid. at 208.
162. Ibid. at 210.
163. Supra note 76 at 3.
164. Aiken, supra note 39 at 298.
Similarly, Austin Sarat notes that so-called “cause lawyers” thus “reconnect law and morality and make tangible the idea that lawyering is a ‘public profession,’ one whose contribution to society goes beyond the aggregation, assembling, and deployment of technical skills.” Thus, alternate and possibly radical conceptions of the role of lawyers can be made clear from the perspective of inner city space.

Conclusion
The “Journey to 20th Street” holds both risks and dynamic pedagogical potential for legal education. Inner city space is inscribed with dominant ideologies and ideas about poverty, race, and power. It is also a site where communities are actively resisting injustice, and coming together to create justice. Students traveling from the privileged space of the law school, where many are in the process of aligning with professional identities that promote status quo power relations and ideologies, may find the entry into the clinical law environment in inner city space to be jarring and disorienting. Without critical pedagogical interventions, some students may experience inner city space as a site that reinforces identities of professional, class, and even racial dominance. Regnant lawyering practices and the persistence of elite identities may be the result. However, critical pedagogical strategies, which attempt to reveal inner city space as “thirdspace,” where communities and clients are actively resisting injustice in the “radical margins,” may open up space for students to examine traditional notions of law and legal practice and imagine new possibilities of working with communities for justice.

165. Supra note 76 at 3.