Although most political science departments in the South now offer at least one course on women and politics or women’s studies, the discipline has struggled to integrate feminist pedagogy into mainstream courses. Feminist pedagogy promises to enlighten students, raise their feminist consciousness, and promote changes in their worldview (Chandler; Langan and Davidson). The simulation approach offers a unique setting to engage students in this type of reflective discourse.

To the extent that classroom and learning activities cause students to “experience” more directly the gendered nature of the world around them, they become better equipped to understand that gender is not merely an abstraction but rather real systems that directly impact their lives. (Rosenthal 35)

I developed the judicial confirmation simulation described in this essay out of frustration with the limited gender consciousness of my students. Despite increased coverage of the Bush administration’s judicial nominations, many of my students have scant knowledge of the confirmation process and its partisan controversy. Nor do they seem to appreciate the Supreme Court’s influence over policies that affect their daily lives as women. These are students who were born after the landmark decision in Roe v. Wade (1973) and have not experienced a world without access to legalized abortion. They are a generation removed from the struggle to ratify the equal rights amendment and they are reluctant to label themselves as feminists. They have come of age during a time when a majority of women no longer agree strongly that the women’s movement is needed to push for changes that benefit women. These attitudes are barriers to enlightenment about the struggles, the accomplishments, and the continued goals of feminists.

I teach political science at Mary Baldwin College, a small undergraduate liberal arts program for women located in Virginia’s Shenandoah Valley. In my course on Women and Politics for the past eleven years I have asked students on the first day of class, “Are you a feminist; why or why not?” On average, a third to half of the students reply “no.” Even the students who embrace equality for women choose not to identify with the feminist label. As one student commented, “I do stand up for women’s rights . . . as for labeling myself, I choose not to.” Another wrote, “No I don’t consider myself a feminist. I am a strong believer that men and women should be treated equally.” There appears to be a misunderstanding about what feminism means, as illustrated in the comment, “I would have to say no, because I’m not preju-
diced against all men.” Students are also uninformed about current levels of gender discrimination, as one student revealed, “I see no cause for complaint by women today, especially when you compare the present and the past. I feel that ‘feminists’ tend to go a little overboard, and they never seem satisfied with what they have and focus on what they don’t have.” Are the “Generation Xers” apathetic? One student wrote, “I believe that women deserve the same rights as men, but I have never been a person who would stand up and fight for those rights. Today, I am content with the freedom and opportunities that women have obtained throughout the years.” Likewise, another wrote, “I don’t know. I have never really thought about it.” Without first-hand experience with discrimination, some students are simply not inspired. As one student explained, “I guess maybe because I have never really encountered discrimination I have a hard time believing it is there. I feel that a lot of disgruntled women are just whiners who want to be heard.”

As a feminist scholar and teacher at a women’s college, my goal is to engage student interest in the role that the courts play in advancing and/or hindering women’s rights. The judicial nominations and appointments of the Bush administration provide a perfect opportunity to explore these issues through an active learning approach. Students engage in the process of researching, nominating, and confirming a federal judge or U.S. Supreme Court Justice. As a result, the confirmation process and the Court’s role in policymaking increase in salience among students. Students also learn first-hand the issues at stake when a judicial vacancy occurs. As one student described, “It made me view various positions of the government differently.” The simulation applied the textbook to real life, engaged the students in hands-on research and role playing, and increased student interest in and understanding of this controversial institutional procedure. Through active learning, students assumed greater responsibility for the course material. As one student warned, “you have to be well versed in all matters of policy or you will be eaten.” The simulation also provided a unique forum for students to discuss issues related to gender and their influence in politics.

The beauty of this simulation is that it is simple enough for the novice professor to employ without a large investment in preparation or classroom time, thus making the exercise an appealing, “low risk” activity for professors unfamiliar with the simulation approach. I use the simulation successfully in both an introductory American Government course and an upper-level Presidency course. The simulation introduces students to the judicial confirmation process, the motives of the various players, and the partisan politics involved in filling vacancies in the federal judiciary. Playing the roles of interest group representatives, White House representatives, Senate Judiciary Committee Members, the American Bar Association, the nominees, concerned citizens, and the press, students participate in the confirmation hearings and vote for either a federal judge or a U.S. Supreme Court Justice. My essay describes the structure of the simulation, roles to be played by students, research and writing activities that accompany the simulation, and student evaluations.

Active Learning in the Classroom

The goal behind using active learning in the classroom is “to make students more engaged and inquisitive learners, more powerful thinkers, and better arguers” (Bean 181). A substantial body of research on teaching strategies and techniques suggests that the traditional lecture format alone does not maximize student knowledge and retention of information (Astin, Baloche, Bonwell and Eison, Myers and Jones, Bean). Student focus and attention, for example, decrease substantially after the first ten to twenty minutes of a lecture (Ruhl, Hughes, and Schloss). Particularly as our understand-
ing of the diversity of learning styles among students grows, the demand for a variety of teaching styles within a course increases (Fox and Ronkowski).

Simulations have proven to be useful tools in increasing interest, preparation for class, knowledge, and connection to course material (Josefson and Casey, Newman and Twigg, Holmes, Caruson, Middlemass). Caruson argues that “since politics is essentially about group work and communication, active learning strategies are especially well suited to the political science discipline” (16). The collaborative learning that occurs provides practice in “leadership, group interaction, and public speaking” (Bean 167). By actively involving the student in the learning process they “assume ownership” of their assignments and their motivation to learn increases. Newmann and Twigg observe that students “consistently report surprise at the degree to which their understanding of textbook concepts is enhanced by ‘living’ those concepts in practice” (2). Simulations also make class fun. Since most people perform best doing the things they enjoy, it is natural to assume that students are learning more effectively through their hands-on experience. Because they will remember the experience, they are more likely to remember what they have learned in the process.

The simulation described in this essay involves active learning through individual and group research, writing assignments, and oral participation. The simulation was designed for an introductory American Government course, but could be used in a variety of courses (e.g., the Presidency; Congress; State and Local Politics; or Judicial Process). The simulation can also be adapted to apply to any level of the state or federal judiciary.

Simulation Background

During the 2000 presidential campaign, NARAL ran ads at the Democratic National Convention with delegates dressed in robes and a caption, “It’s the Supreme Court, Stupid.” Despite the possibility of retirements by as many as three Supreme Court justices, abortion rights proved to be a relatively dormant issue in the 2000 election. The confirmation process stirred controversy as the Bush administration progressed, however, including the Republican filibuster against Democrats’ resistance to Bush nominees, and presidential “recess” appointments. Then, in July 2005, Sandra Day O’Connor announced her retirement from the Supreme Court, effective upon confirmation of her successor. Although John G. Roberts, Jr. was quickly nominated by President Bush to replace O’Connor, Chief Justice William H. Rehnquist died on September 3, 2005, just days before the confirmation hearings on Roberts were scheduled to begin. Appointed to the U.S. Circuit Court of Appeals for the District of Columbia Circuit Court in 2003, Roberts has a limited paper trail while serving on the bench. Analysis of his previous work as a lawyer at Washington’s Hogan & Hartson (1986–89; 1993–2003), principal deputy solicitor general in the first Bush administration (1989–93), aide to Attorney General William French Smith (1981–82), and aide to White House counsel Fred Fielding (1982–86) suggests that Roberts is more similar to Rehnquist than O’Connor, who actively supported women’s issues including abortion and the expansion of Title IX educational rights. On September 5, 2005, Bush nominated Roberts to replace Rehnquist as Chief Justice. Just three weeks later, on September 29, 2005, Roberts’s nomination was confirmed and he was sworn into office. Still, O’Connor needed to be replaced and the ideology of the Supreme Court would likely shift to the right.

Teacher Preparation for the Simulation

I use this simulation in both an introductory level American Government course and an upper level Presidency course. In the intro-
In my introductory level course, I like to guarantee a minimum level of success in a simulation by providing enough background information to the students to allow them to participate even if they do nothing but read what I provided. This requires extensive research and preparation on my part, but the students unanimously appreciate the packets. I provide background information on the judicial confirmation process, supplementing this with class lectures on the topic. *Congressional Quarterly Researcher* has several excellent issues on the Bush administration judicial appointments that help to set the political context. I use two federal judges for the simulation, Charles Pickering and Priscilla Owen. I provide sample statements of support and opposition, lists of additional interest groups, and websites to get students started with their supplemental research. In this class, I want the students to research the ideologies of the two nominees and, in the case of Pickering, to wrestle with the issue of whether Bush’s recess appointment was constitutional or not.

In my upper-level course, I require the students to select a nominee for a Supreme Court vacancy and conduct all of the background research independently. The only restriction is that they have to nominate an individual likely to be chosen by the Bush administration. The additional responsibilities allow the students to engage more deeply in the process as they weigh the strengths and weaknesses of various nominees. The simulation technically begins outside of class as the students work together to select their nominee.

**Student Roles**

Students are asked to sign up for various roles in the simulation. Mary Baldwin College has a maximum class size of thirty students, so I have to limit the size of the Senate Judiciary Committee and balance the remaining roles to run the simulation effectively. If there are no interest group representatives or no members of the media to cover the event, the simulation would not be as interesting. I provide detailed descriptions of the roles before the students sign up, explaining which roles have the heaviest public speaking parts versus the behind-the-scenes researching, writing, or “coaching” roles.

**Judicial Nominees**

The most important roles in the simulation are the judicial nominees. These students need to have excellent public speaking skills and must be reliable. If the judicial nominee does not show up to class, you cannot run the simulation! Fortunately my strongest students volunteered for these parts. However, student preferences are submitted individually in writing in case I need to be more selective in assigning roles.

**The White House Team**

The White House team assists the judicial nominee by researching the judge’s record, coaching the nominee on how to answer possible questions, and running mock hearings to prepare the nominee. Students who do not like public speaking enjoy the behind-the-scenes work of the White House team.

**Interest Group Representatives**

In addition to having students that do not like public speaking, I always seem to have some that do not like group projects. These students will often express fears that the grade the group receives might not reflect their personal contributions. For these students the individual roles as interest group representatives are available. I provide both supporting and opposing interest groups for students to choose from. They are allowed to make statements to the Senate Judiciary Committee and the press, in addition to picketing the classroom or producing advertisements. The creative aspects of designing ads and/or posters particularly appealed to my non-majors.
MEMBERS OF THE MEDIA

Students are asked to choose print or broadcast media and a specific newspaper or network. The media representatives cover the hearings, including interviews with witnesses and members of the Senate Judiciary Committee. Members of the media also “publish” biographical articles prior to the simulation. The members of the media are allowed to endorse the nominee, encouraging the White House team to sell their nominee to the press. An optional role (which I did not use this semester due to limited class size) would be a member of the American Bar Association to provide a rating for the nominees. Likewise, concerned citizens might make an appeal to the committee. Our audio-visual department provided microphones and cameras for the students to use, creating an intimidation factor that made the simulation more realistic.

Written Assignments

In my introductory-level course, I provide a packet of information that includes the biographies of the nominees, sample statements of support and opposition, and background information on the Bush administration judicial appointments. Students in my upper-level course have to produce these materials independently. In addition, each role comes with a different writing assignment to guarantee preparation for the simulation. The judicial nominees must write a short analysis of their judicial philosophy, explaining their decisions in at least five court cases. The White House team members each write a similar analysis, however, from the perspective of why President Bush should nominate the particular judge. The members of the Senate Judiciary Committee write a “member profile” explaining their background, party identification, ideology, and any “litmus tests” they might use in voting for or against the Bush nominees. Students are expected to play the role as Senator as close to reality as they can, requiring them to know how their Senator would respond to different issues that might be raised in the hearings. The interest group representatives must research why they either support or oppose the candidate, and must design advertisements and/or posters to lobby the public or to picket Congress. The members of the media are asked to write biographical articles that may or may not endorse the candidate. They must accurately represent the ideological slant of their newspaper or network. Students who are members of the media must also create press credentials to bring to class during the simulation. The media also report the proceedings of the confirmation process at the conclusion of the simulation. I also assign post-assessment writing assignments, allowing students to reflect on what they learned through the simulation experience.

Description of the Simulation

This simulation requires approximately two seventy-five minute class periods. In addition, on the day that I introduce the simulation, describe the roles, and allow students to sign up for various parts, I also allow them to meet briefly in class to exchange e-mails and coordinate their team tasks. I introduce the simulation two weeks in advance. I give the students five or ten minutes on two additional occasions to facilitate coordination of their group planning and research. The members of the media write their articles or scripts, which are distributed to all members of the class the day before the simulation. On the day of the simulation, I rearrange the classroom to seat the Senate Judiciary Committee at the head of the room. The Chair of the Committee is given a gavel and instructions on how to call the meeting to order and proceed with the hearings. A table and chair with a microphone are placed in front of the Senate Judiciary Committee and the judicial nominee is called to sit at the table. The coaching of the judicial nominee is supposed to take place prior to the simula-
tion; however, I allow the White House team to slip note cards to the judicial nominee to help her answer the committee’s questions. After the judicial nominee testifies, the representatives of the interest groups are called forward and allowed to testify. Following committee questioning of these witnesses, the press is allowed to interview committee members, the judicial nominee, and the interest group representatives. The process is repeated on the second day for the second nominee. At the end of the questions, the Senate Judiciary Committee is sent to the hall to discuss and vote on the nominees (representing the views of the actual Senators and not their own views). Before the committee vote is revealed, the entire class votes on the nominees (as students, not representing a particular role). Following the voting, I moderate a class discussion of the simulation and the confirmation process in general.

Grading the Simulation

I use my classroom simulations to stimulate interest in a particular topic, and to encourage a broader understanding of procedures and politics through hands-on experiences. I require written assignments only to guarantee preparation for the simulation, some of which I consider necessary “busy work.” As a result, I use a simple three point grading formula:

3 Exceeds expectations (A range)
2 Meets expectations (B range)
1 Incomplete or partial non-participant (C range)
0 Did not participate (0 points)

This formula encourages students to participate without fear of failing the simulation, while at the same time rewarding the “over-achievers” for their extensive preparations. Every step of the simulation is awarded points. I remind students that during the simulation I will be “bean counting” in the back of the room, keeping track of how much each student is participating in the simulation. In particular, members of the Senate Judiciary Committee are required to have a minimum of five questions prepared for each nominee. That way, if another member of the committee asks the same question, they have four others to choose from, and every member is involved. I also ask students to evaluate their own contribution to the simulation, and that of other team members when applicable. There is usually consensus among the students concerning who did and did not carry their weight in the preparations.

Student Evaluations

After eleven years of using simulations in my classes, I have never had one that I would consider unsuccessful. I am always surprised by how seriously students take their roles, and how much extra effort they pour into their preparations and execution of the simulation. The same students who admit to not always reading assignments before class (or even before exams) become actively engaged in simulations. Student evaluations of the judicial confirmation simulation suggest equally positive results. Students were asked to rate a series of statements from 1 (very low) to 5 (very high). The average score in each course was 4.7 for “How would you evaluate the judicial confirmation simulation as a learning tool?” The average score was 4.3 in my introductory level course and 4.1 in my upper level course for “To what extent did the simulation stimulate your interest in the judicial confirmation process?” There was slightly less agreement among my introductory level students with the statement, “Did the simulation experience cause you to reconsider preconceived notions about the judicial confirmation process?” The average score was 3.7 for the introductory level course, but a 4.1 for the upper level class. Unanimously the students agreed that the simulation significantly improved their criti-
cal thinking skills (defined by the ability to interpret, analyze, and evaluate information) as well as research skills. A majority of students also indicated significant improvement in oral communication skills, problem solving skills, writing skills, and group interaction skills.

The open-ended comments, however, provided the most insight to the simulation’s success. When asked, “What did you learn from participating in the simulation?” one student wrote “I not only learned more about the appointment process, but about how to research and argue for someone I was against.” Another commented that she learned, “how hard it is to sit and answer questions.” Others commented that they had a better understanding of the process, more information about the individual judges, and a new appreciation for “how passionate and emotional people are when they believe in something” and “how difficult it is to come up with questions.” They also reported a greater understanding for “how questions are asked and answered, and what is appropriate.” Students unanimously agreed that the confirmation process is difficult and intimidating; several described how serious the process is and how controversial the nominee’s records can be. As one student described, “I now understand how the political views of judges can be incredibly important.” Another commented, “I think this was a great exercise.” And symbolic of the diversity of learning styles in the class, one student indicated, “I think the visual and oral presentation of the process is much easier to see how it works than reading about it.” Another commented, “interactive learning is much better than learning from a textbook or lecture.” Likewise, another wrote, “I think I learn more by doing something that is hands-on. I like that I was able to look into the process more and learn more than I knew before.” Students also believed that they would recall what they had learned. As one student noted, “I think it is easier to recall information and speak with authority about a subject when you have had first hand experience with it.” The students were overwhelmingly excited about the simulation.

My suspicions about limited knowledge among students of the judicial confirmation process were accurate. A common theme throughout the evaluations was expressed bluntly by one student, “I had no idea about how judges were chosen and now I understand the process.” Using a simulation to spark interest in the process was also found to be appropriate. I asked students whether they would recommend courses with this type of simulation to friends and one student remarked, “Yes, because you have to research to participate, and when I researched my role (judge) I wanted to learn more.” Another student who has participated in three prior simulations in my courses rated the judicial confirmation simulation her favorite. All of the students would recommend the simulation to friends; they liked that it was interactive, “real world,” fun, interesting, and extremely helpful in learning about the process and politics of judicial confirmations. One student replied “yes” she would recommend the course to her friends because, “[simulations] involve students directly in the learning process.”

What did they like most? One student wrote, “Learning the facts and using them to form my own opinions,” while another enjoyed “listening to all the questions and watching the judges answer and the committee getting angry.” Another student commented, “I liked how passionate people got. It’s clear the class took this seriously and I think this was a great exercise.” And symbolic of the diversity of learning styles in the class, one student indicated, “I think the visual and oral presentation of the process is much easier to see how it works than reading about it.” Another commented, “interactive learning is much better than learning from a textbook or lecture.” Likewise, another wrote, “I think I learn more by doing something that is hands-on. I like that I was able to look into the process more and learn more than I knew before.” Students also believed that they would recall what they had learned. As one student noted, “I think it is easier to recall information and speak with authority about a subject when you have had first hand experience with it.” The students were overwhelmingly excited about the simulation.
and agreed that they had learned a great deal about the judicial confirmation process. Did the simulation approach raise feminist consciousness? Absolutely! One student explained that although she has always been pro-choice, the simulation opened her eyes regarding abortion politics. She commented, “I never looked at the issue in this way before. Whose role is it to decide my reproductive rights? Is it the government? If it is, should it be the Supreme Court!!!!??? The whole idea of the government legislating women's bodies was new to me.” Another student explained how it affected her view of the confirmation process, writing “I now understand the way the justices are chosen, just how important that process is, and how it will affect my life. I now realize how important it is for us to influence the confirmation process.” The discussions that evolved from the simulation have had a ripple effect on my other courses. When the issue of abortion is debated, students who participated in the simulation speak up. They are clearly enlightened about a right they once took for granted.

Conclusion

Professors can take steps to increase the likelihood of success in running a simulation by distributing packets of information to students in advance and providing time in class for teams to plan and prepare their research. However, there are always risks involved in doing classroom simulations. The students might not prepare their roles adequately. They might not understand the guidelines, or they might not follow procedures. The simulation might not spark any controversy or even interest in the topic. Likewise some argue against simulations as wasting valuable class time, replacing content-rich lectures with busy work and role-playing. In my experience with this simulation and the numerous others I have conducted over the past eleven years, the students gain and remember more knowledge from simulations combined with lectures than from traditional lectures alone. One of my students describes my simulations as “a non-conventional approach to teaching that activates the students; its not the ‘boring seminar.’” I have found that in my Congress course students do not fully understand the significance of various rules and procedures until they engage in the legislative simulation. In my Presidency course the students do not analyze the current administration critically until they participate in the White House media simulation. The 2000 election occurred when many of them were in junior high school and it is not until they reenact the oral arguments in Bush vs. Gore (2000) that they fully comprehend issues related to the Electoral College. Likewise in this judicial confirmation simulation, students were not actively following the judicial nominations of the Bush administration, nor did they understand the importance of ideology on the bench and how changes would affect their status as women. Researching the judges in this simulation, hearing them testify, and having to play the part of their Senators accurately opened the eyes of my students regarding how controversial the judicial confirmation process can be. Now that Bush has had two vacancies to fill on the Supreme Court, I am confident that my students are watching attentively, scrutinizing the process, and educating their peers. In particular, they now understand how the confirmation process will affect their rights as women. “Who decides?” has become a more salient question for debate to these students as a result of this simulation.

Simulations supplement the traditional learning process. Terms and theories that students might not have remembered years (or even days) after their final exams are remembered as part of their hands-on experiences in simulations. A combination of active learning techniques and traditional teaching methods more effectively meets the needs of increasingly diverse students in terms of learning styles, ability, interest, and
background. This judicial confirmation simulation also provides a unique opportunity for students to experience first-hand the potential influence of the Court over issues that affect the daily lives of women. Simulations prove to be an effective method to integrate feminist pedagogy into mainstream courses.

NOTE
On October 3, 2005, President Bush nominated Harriet Miers, Counsel to the President, to replace Justice Sandra Day O’Connor. Miers immediately divided supporters, who preferred a nominee with a clear conservative record, including opposition to abortion. In response to the Senate Judiciary Committee’s efforts to obtain internal White House documents regarding her advice to the President during her White House tenure, Miers withdrew her nomination on October 27, 2005. On October 31, 2005, President Bush nominated Samuel Alito, a judge on the third U.S. Circuit Court of Appeals for the past fifteen years who is rated as very similar to Justice Antonin Scalia. Hearings to confirm Alito began January 9, 2006, amidst bitter partisan controversy that continued for three weeks. Despite a Democratic attempt to filibuster, the Senate voted 58–42 to confirm Samuel Alito on January 31, 2006.

REFERENCES