



## MODULE SPECIFICATION

**Code:** UJUTA9-30-3

**Title:** Gender And The Law

**Version:** 5

**Level:** 3

**UWE credit rating:** 30

**ECTS credit rating:** 15

**Module type:** Standard

**Owning Faculty:** FBL

**Field:** Law Undergraduate

**Faculty Committee approval:** QMAC

**Date:**

**Valid from:** September 2008  
(Revised September 2011)

**Discontinued from:**

**Contributes towards:** LLB (Hons) Law, BA (Hons) Business and Law, LLB (Hons) Law with Criminology, LLB (Hons) Criminology and Law, LLB (Hons) Criminology with Law.

**Pre-requisites:** Method, Procedure, & System UJUTA3-30-1; Public Law/Constitutional and Administrative Law UJUTA4-30-1

**Co-requisites:** None

**Excluded combinations:** None

### Aim of module

- This module provides students with an important insight into the contextual nature of law, with particular focus on the gendered and sexed dimensions of law and/or the legal process. The cross-subject and inter-disciplinary perspectives offered on this course enable students to develop their legal analytical skills across a number of different fields of law.
- The contextual focus of this module fits into the law programme by allowing for a closer analysis of gender-specific legal issues which arise in a number of different legal contexts, such as criminal law, torts, family, regulatory law and international/comparative law. The focus on the law in practice and the in-depth analysis encouraged on this module helps educate and prepare students for the complexities of law in practice, thus enhancing employability skills.

### **Learning outcomes:**

#### *Knowledge and Understanding*

After completing this module a successful student will be able to:

1. Demonstrate knowledge and understanding of the substantive legal topics and the theoretical concepts studied (Assessment components A & B);
2. Demonstrate an understanding of the distinction between law in books and law in action in dealing with issues relating to sex, gender and sexuality in the legal process (Assessment components A & B);
3. Demonstrate the ability to analyse the complex legal and social issues raised by the attempt to incorporate all individuals in society and/or law (Assessment components A & B);
4. Use analytical techniques in order to discuss and apply the laws and policies to problems and issues arising from the study of Gender and the Law undertaken throughout the duration of the module (Assessment components A & B);
5. Develop ideas, evaluate concepts and formulate reasoned opinions (Assessment components A & B);
6. Display critical thinking, through the reflective consideration of a range of different perspectives, in the examination of problems and issues (Assessment components A & B);

7. Demonstrate an ability to synthesise relevant ideas and materials to formulate original responses to contemporary issues relating to gender and law (Assessment components A & B).

### *Subject/practical Skills*

After completing this module a successful student will be able to:

1. Make effective use of research techniques, including library, electronic and internet resources (Assessment components A & B);
2. Be able to assess the veracity and utility of information gained from different sources (Assessment component B);
3. Be able to conduct independent research and carry out independent study (Assessment components A & B);
4. Be able to reference sources used in a clear and methodical manner (Assessment component B);
5. Be able to present clearly written, structured and logical word processed coursework to an acceptable standard (Assessment component B);
6. Be able to present, discuss and defend ideas, concepts and arguments in writing or in verbal argument in a structured and reasoned manner (Seminars and Assessment components A & B).

### **Syllabus outline:**

An introduction to the area of laws and theoretical basis of the course will be followed by study of a number of topics within the themes identified below.

Introduction: An historical overview concentrating on feminist campaigns around law. An introduction to feminist writing and critique which brings out the diversity of feminist models and draws on work from the fields of political theory, sociology and socio-legal studies.

Equality: The concept of equality. Equality and neutrality - is the law gender blind? The approach of Sex Discrimination Acts. Alternative approaches.

Work: Labour law; the limitations of model building around waged full-time work. Equality in the work place - the concept of 'equal value' and the law relating to sexual harassment. Women's experiences in the legal profession.

Sexuality: The attitude of the law to men's sexuality and to women's sexuality. Marriage law. The law and homosexuality and transexuality. The law and prostitution. The legal treatment of pornography and feminist responses to it.

Violence: The criminal law and procedures relating to rape and domestic violence.

Motherhood: The legal treatment of motherhood, moving from conception to birth, including analysis of the legal position in relation to abortion and assisted pregnancies, for example through surrogacy and IVF.

### **Teaching and learning methods:**

The emphasis throughout will be on providing the student the opportunity and facilities to question, understand, analyse and evaluate the law in its historical, practical, academic and social context. The learning context is student-centred and utilizes a variety of techniques to encourage independent thought and constructive criticism. Dialogue is promoted between student and lecturer in an inter-active relationship which emphasizes the two-way flow of information and criticism.

Subject to the requirements of the Professional Bodies, it is not necessarily envisaged that every topic in the syllabus will be covered in any one academic year. Areas which have topical significance could, therefore, be developed at greater length and less important areas delineated in outline only.

Students will be expected to conduct research with both traditional and electronic sources. Training

on the proper use of these resources is available within the degree programme as a whole. However, this is supplemented by additional training and guidance through tutorial exercises and guidance provided electronically on Blackboard.

### **Student preparation:**

#### *Lectures:*

In most cases there is no expectation of preliminary work. However, students may be given directed preliminary reading from recommended texts. Occasionally material may be also given out in advance so as to provide the basis for practical exercises or for more detailed discussion of topics to be conducted within the lecture. The extent to which it is possible to fully utilise such approaches will be dependent on the number of students enrolled on the course each year.

Guest speakers will be utilised when possible to help students to understand the practical implications of legal issues studied.

#### *Seminars:*

The seminar programme anticipates that students will spend ten hours in preparation for each session. As a Level 3 module, this preparation time may increase, reflecting students' interest and ability to conduct further independent research into topics which interest them.

Students are provided with seminar sheets in advance of each session, which will provide them with clear guidance as to the essential reading required to complete the tasks set out on the sheet. These tasks will be centred on the analysis of cases, statutes, European and Human Rights' material and social policy, as appropriate. The tasks on this course will be primarily discussion title based, although some use will be made of problem-solving tasks. Supplementary material will be provided, as appropriate. Seminar preparation tasks include working individually, in pairs or in small groups.

In addition to the directed reading, further sources of information, such as internet sources and video materials, will be suggested when it is appropriate to do so. Students will also be encouraged to conduct independent research throughout the course.

Students are expected to make full use of their independent learning time to reflect critically upon the subject and to develop their own ideas.

### **Operation and purpose:**

#### *Lectures:*

Outline learning materials will be supplied to students during or in advance of the lectures. Lectures are generally designed to:

- communicate the principal features of a topic, including its major principles, rules, concepts, relationships and values;
- to stimulate interest in the topic and provide alternative views; and
- to provide other information necessary to facilitate its further study, including updating.

#### *Seminars:*

Seminars will involve problem-solving and the analysis and synthesis of conceptual and contextual issues, through plenary discussion and presentations by individual students or groups of students. Students are expected to fully participate in seminar discussions, which will cover the controversial and difficult areas of the subject. The function of seminars is:

- to monitor the acquisition by students of the knowledge, understanding and skills mentioned under the Learning Outcomes; and
- to facilitate and enhance the acquisition of that knowledge, understanding and skills and to foster deeper learning.
- to allow students to evaluate, analyse and synthesise legal materials in an interactive environment and to facilitate their appreciation of the levels of variation of opinion which may

be generated in legal discussion.

### **Other learning activities:**

Students will be expected to pursue independent and directed study between class contact sessions. Students will be encouraged to engage in extra-curricula activities such as debating and mooting.

### **Reading Strategy**

#### **Access to Essential Reading**

The nature of this subject means that its syllabus crosses over many different aspects of the law. As it is also a relatively recent addition to the established field of legal education, there are continuing difficulties in identifying a single textbook for students' use in this course. Students are expected to buy a recommended textbook. Where textbook coverage is becoming dated, it is necessary to supplement these textbooks with readings from more contemporary sources of legal scholarship. This is primarily achieved through the extensive use of UWE Online and the digitisation of key readings. Where this is not possible, readings are placed in the short loan library collection.

#### **Access to Further Readings**

As Gender and the Law is a fast-moving subject, students can benefit greatly from accessing recent work on the topics studied. Where it is possible to do so, contemporary and useful articles are added to short loan or the digital collections. Students are also encouraged to explore areas independently, and in order to help them to do so, Blackboard is also used to provide students with links to helpful and appropriate internet sources.

#### *Training in Information Retrieval*

As Gender and the Law actively encourages students to conduct independent research, the content of the course, in particular, the tutorial design, incorporates research tasks in identifying legal information and new sources. This encourages and enhances students' familiarity with the use of the law library and legal electronic resources. Moreover, because of the interdisciplinary nature of the subject, students are also given experience in accessing materials from other disciplines. Blackboard is also used as a method of training, providing students with information and guides on how to search for and access materials.

#### ***Indicative Reading List: (see guidance notes)***

*The following list is offered to provide validation panels/accrediting bodies with an indication of the type and level of information students may be expected to consult. As such, its currency may wane during the life span of the module specification. However, as indicated above, CURRENT advice on readings will be available via other more frequently updated mechanisms.*

Bridgeman and Millns	Feminist Perspectives on the Law
Barnett	An Introduction to Feminist Jurisprudence
Ellis:	Sex Equality Law.
Fredman:	Women and the Law; Discrimination Law
McColgan:	Women under the Law; Discrimination Law; Just Wages.
O'Donovan:	Sexual Divisions in Law.
Pateman:	The Sexual Contract.
Smart:	Feminism and the Power of Law.
Thomas:	Gender in the Criminal Justice System
Cavendish Publishing (Various authors)	Feminist Perspectives on the Law Series (Includes, for example, Feminist Perspectives on Child Law, Criminal Law, Evidence, Equity and Trusts)

**Assessment Strategy**

- Students are assessed by a mixture of coursework and unseen examination. These methods test a range of key legal skills, such as the critical analysis of legal and socio-legal sources, the ability to effectively communicate and précis complex legal concepts and arguments, effective research skills and the ability to respond appropriately and efficiently to unseen questions. Assessments also test time management and encourage students to engage with contemporary and topical materials, resources and events.
- Summative assessment takes place through one 3000 word essay and a 2 hour examination requiring two responses. Seminars provide students with an ongoing opportunity to practice their legal skills and receive feedback on their progress. The teaching team are also going to be available to provide students with feedback on essay preparation.
- **Component A, (50% of the module)** A two hour exam. This is the 'controlled conditions' element of the assessment regime.
- **Component B, (50% of the module)** Written coursework contributing to the summative assessment of students worth 50% of the final mark. The coursework is 3000 words. Submission will take place in January.
- Assessment criteria are standardized across the Department and are printed on every feedback sheet.

**Assessment**

**Weighting between components A and B (standard modules only) A: 50% B: 50%**

**Attempt 1**

**First Assessment Opportunity**

<b>Component A</b>	
<b>Description of each element</b>	<b>Element weighting</b>
1 Written exam (2 hours) - <u>FINAL</u>	100%

<b>Component B</b>	
<b>Description of each element</b>	<b>Element weighting</b>
1 Essay (3000 words)	100%

**Second Assessment Opportunity (further attendance at taught classes is not required)**

<b>Component A</b> Controlled conditions	
<b>Description of each element</b>	<b>Element weighting</b>
1 Written exam (2 hours) - <u>FINAL</u>	100%

<b>Component B</b>	
<b>Description of each element</b>	<b>Element weighting</b>
1. Essay (3000 words)	100%

**SECOND (OR SUBSEQUENT ) ATTEMPT: Attendance at taught classes is not required. (NB Due to the fast-moving nature of this subject, any student in this position would be advised to use Blackboard to ensure access to most current handouts and materials.)**

**Specification confirmed by .....Date .....  
(Associate Dean/Programme Director)**