

# LW4618: LAW AND GENDER

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## Effective Term

Semester A 2024/25

## Part I Course Overview

### Course Title

Law and Gender

### Subject Code

LW - Law

### Course Number

4618

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

B1, B2, B3, B4 - Bachelor's Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

LW4118 Law and Gender (LLB)

LW4118A Law and Gender (AMLLB)

LW5618 Law and Gender

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course aims to introduce students to the idea as well as theories of feminism and equality, and develop an ability to analyse critically law and gender issues in diverse settings. The course will enable students to discover and challenge various facets of gender bias – especially against women and LGBTI+ people – in law, legal institutions, policies and societal practices. It will also offer an understanding of how law and legal institutions – at both domestic and international levels – can be used to overcome gender discrimination against women and LGBTI+ people. The course should be able to prepare students to appreciate diversities and handle gender issues that arise in day-to-day life with appropriate sensitivity. It is hoped that teaching and learning activities during the course will nurture students’ effective writing and oral communication skills in relation to law and gender issues.

### Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 DEC-A2 DEC-A3 app.)			
1	Analytically describe and explain: - the concept as well as theories of feminism; - the distinction between formal and substantive conceptions of equality; - the need for asking ‘women questions’ ; and  - the law and gender issues that arise in both general and specific contexts having regard to global diversity.	20	x		
2	Apply feminist (and other) theories as well as international human rights law to: - discover gender bias in various branches of law against women and LGBTI+ people; - question discriminatory practices that women and LBGTI+ people face in their day-to-day lives;  - offer possible solutions to problems that arise in relation to law and gender issues; and - formulate and communicate, both orally and in writing, an advice in a clear and coherent manner.	40	x	x	x
3	Invoke law and legal institutions to: - challenge, in a mock setting, discriminatory practices and regulations.	20	x	x	
4	Critically evaluate and explore: - the social and historical context of law and gender issues; - the contribution that feminist discourse has made to the position and condition of women and LGBTI+ people in society; - the limitations of law and legal institutions in redressing gender discrimination against women and LGBTI+ people; and - the new challenges that the free market economy and globalisation are posing to feminism.	20	x		

#### A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

#### A2: Ability



2	Exercises, and discussion (including on Canvas and student-led)	<ul style="list-style-type: none"> <li>- Students will apply feminist theories and international human rights law to ascertain gender bias in different branches of law and challenge, in a mock setting, laws or social practices discriminatory to women and LGBTI+ people;</li> <li>- Students will deepen their understanding by leading discussion on certain law and gender issues relevant for the course but not discussed by the teacher;</li> <li>- Students will explore, by commenting on topical gender issues/ developments posted on Canvas, new challenges to feminism posed by globalization and also evaluate the limitations of law and legal institutions in redressing gender discrimination against women and LGBTI+ people;</li> <li>- Students will present their solution or advice, orally or in writing on Canvas, in relation to how gender discrimination against women and LGBTI+ people could be redressed; and</li> <li>- Students will develop self-confidence in application of legal principles, advocacy skills and public speaking.</li> <li>- Group exercises will also foster students' growth through development of greater intellectual and interpersonal maturity.</li> </ul>	1, 2, 3, 4	
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3	Written brief and oral debate / journal writing	<ul style="list-style-type: none"> <li>- Students will learn to draft a written brief in a small group and engage in an oral debate with peers on a pre-assigned topical law and gender issue to develop public speaking skills; and</li> <li>- Students will sharpen their ability to reflect critically on law and gender issues in a wider societal context and articulate clearly their views in a coherent and persuasive manner by engaging in these activities.</li> </ul>	2, 3, 4	
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**Assessment Tasks / Activities (ATs)**

ATs	CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1 Gender debate / reflective journal: will test students' ability (i) to research independently and evaluate critically a given law and gender issue in wider social, political, cultural and economic contexts, (ii) articulate one' s views in a coherent and persuasive manner, and (iii) to evaluate critically the limitations of law and legal institutions in redressing gender discrimination.	2, 3, 4	30	

2	Exercises and discussion: will assess students' ability (i) to identify gender bias both in law and social practices against women and LGBTI + people, (ii) to discover gender discriminatory laws or practices and challenge these, in a mock setting, by employing human rights law as well as feminist theories, (iii) to assess the contribution that the feminist discourse has made to the position of women as well as LGBTI + people and discover how globalisation is posing new challenges to feminism, and (iv) speak with confidence and maturity in a public setting.	1, 2, 3, 4	20	
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**Continuous Assessment (%)**

50

**Examination (%)**

50

**Examination Duration (Hours)**

2

**Additional Information for ATs**

Grading of Student Achievement: Refer to Grading of Courses in the Academic Regulations (Attachment) and to the Explanatory Notes.

Students' achievements will be graded on the basis of their performance in the following three assessment tasks/activities:

- Exercises and discussion: 20% (participating in exercises and engaging in discussion, both in class and on Canvas, by using the relevant materials)
- Gender debate / reflective journal: 30% (writing a brief and participating in an oral debate on an assigned law and gender topic OR writing a reflective journal on current law and gender issues)
- Examination: 50% (a two-hour open book examination to test students' ability to understand, analyse, and evaluate law and gender issues)

To pass this course, students must obtain an aggregate mark of 40% and a minimum of 30% in each of the continuous assessment and the examination elements of the assessment.

Grading will be done as per the Law School's adopted standards: A+ (85 or above), A (80-84), A- (75-79), ... F (below 40).

**Assessment Rubrics (AR)****Assessment Task**

1. Exercises and discussion

**Criterion**

Ability to identify gender discriminatory practices, apply the relevant legal principles and feminist theories to real or hypothetical scenarios, and articulate one' s views with confidence and maturity

**Excellent (A+, A, A-)**

Excellent identification of gender discriminatory practices, application of the relevant legal principles and feminist theories to real or hypothetical scenarios, and persuasive articulation of one' s views with confidence and maturity

**Good (B+, B, B-)**

Good identification of gender discriminatory practices, application of the relevant legal principles and feminist theories to real or hypothetical scenarios, and persuasive articulation of one' s views with confidence and maturity

**Fair (C+, C, C-)**

Fair identification of gender discriminatory practices, application of the relevant legal principles and feminist theories to real or hypothetical scenarios, and persuasive articulation of one' s views with confidence and maturity

**Marginal (D)**

Barely adequate identification of gender discriminatory practices, application of the relevant legal principles and feminist theories to real or hypothetical scenarios, and persuasive articulation of one' s views with confidence and maturity

**Failure (F)**

Poor identification of gender discriminatory practices, application of the relevant legal principles and feminist theories to real or hypothetical scenarios, and persuasive articulation of one' s views with confidence and maturity

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**Assessment Task**

2. Gender debate / reflective journal

**Criterion**

Ability to evaluate gender issues in context, conduct research, articulate reasoned views cohesively by using supporting authorities

**Excellent (A+, A, A-)**

Excellent evaluation of gender issues in context, evidence of research and use of supporting authorities, and articulation of one' s views in a cohesive and persuasive way

**Good (B+, B, B-)**

Good evaluation of gender issues in context, evidence of research and use of supporting authorities, and articulation of one' s views in a cohesive and persuasive way

**Fair (C+, C, C-)**

Fair evaluation of gender issues in context, evidence of research and use of supporting authorities, and articulation of one' s views in a cohesive and persuasive way

**Marginal (D)**

Barely adequate evaluation of gender issues in context, evidence of research and use of supporting authorities, and articulation of one' s views in a cohesive and persuasive way

**Failure (F)**

Poor evaluation of gender issues in context, evidence of research and use of supporting authorities, and articulation of one' s views in a cohesive and persuasive way

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**Assessment Task**

3. Examination

**Criterion**

Ability to analyse facts and social situations, identify relevant discrimination issues, apply legal principles, and communicate reasoned written advice in a cohesive manner

**Excellent (A+, A, A-)**

Excellent analysis of facts and social situations, identification of relevant discriminatory practices, application of legal principles, and excellent communication of reasoned advice

**Good (B+, B, B-)**

Good analysis of facts and social situations, identification of relevant discriminatory practices, application of legal principles, and good communication of reasoned advice

**Fair (C+, C, C-)**

Fair analysis of facts and social situations, identification of relevant discriminatory practices, application of legal principles, and adequate communication of somewhat reasoned advice

**Marginal (D)**

Barely adequate analysis of facts and social situations, identification of relevant discriminatory practices, application of legal principles, and barely adequate communication of advice

**Failure (F)**

Poor analysis of facts and social situations, identification of relevant discriminatory practices, application of legal principles, and poor communication of advice

**Part III Other Information****Keyword Syllabus**

Different schools of feminist legal theories; women's human rights; formal and substantive equality; gender discrimination and law; gender issues in the criminal law, family law, and property law; sexual harassment and gender-based violence; sexual orientation and rights of LGBTI+ people; domestic violence; pornography; prostitution; women trafficking; sexual advertising; Chinese, comparative and international perspectives on law and gender.

**Reading List****Compulsory Readings**

	<b>Title</b>
1	Nadia Ahgtaie and Geetanjali Gangoli (eds.), <i>Understanding Gender Based Violence: National and International Contexts</i> (Abingdon: Routledge, 2015).
2	Chris Ashford and Alexander Maine (eds.), <i>Research Handbook on Gender, Sexuality and the Law</i> (Cheltenham: Edward Elgar, 2020).
3	Susan Atkins & Brenda Hoggett, <i>Women and the Law</i> (Oxford: Blackwell, 1984).
4	Nicola Barker, <i>Not the Marrying Kind: A Feminist Critique of Same-Sex Marriage</i> (Basingstoke: Palgrave Macmillan, 2012).
5	Hilaire Barnett, <i>Sourcebook on Feminist Jurisprudence</i> (London: Cavendish Pub., 1997).
6	Simone de Beauvoir, <i>The Second Sex</i> (translated and edited by HM Parshley) (Harmondsworth: Penguin, 1972).
7	Jo Bridgeman & Susan Millns, <i>Feminist Perspectives on Law: Law's Engagement with the Female Body</i> (London: Sweet & Maxwell, 1998).
8	Meda Chesney-Lind & Lisa Pasko, <i>Girls, Women, and Crime: Selected Readings</i> , 2nd edn. (Los Angeles: SAGE, 2013).
9	Fanny M Cheung (ed.), <i>EnGendering Hong Kong Society: A Gender Perspective of Women's Status</i> (Hong Kong: The Chinese University Press, 1997).



10	Joanne Conaghan, <i>Law and Gender</i> (Oxford: Oxford University Press, 2013).
11	Victoria E Collins, <i>State Crime, Women and Gender</i> (Abingdon: Routledge, 2016).
12	Ann E Cudd & Robin O Andreasen (eds.), <i>Feminist Theory: A Philosophical Anthology</i> (Malden: Blackwell Publishing, 2005).
13	Amita Dhanda & Archana Parashar, <i>Engendering Law – Treatise on Women and Law</i> (Lucknow: Eastern Book Co., 1999).
14	Lisa Disch and Mary Hawkesworth (eds.), <i>The Oxford Handbook of Feminist Theory</i> (Oxford: Oxford University Press, 2016).
15	Evan Gerstmann, <i>Same-Sex Marriage and the Constitution</i> , 2nd edn. (Cambridge: Cambridge University Press, 2008).
16	Regina Graycar & Jenny Morgan, <i>The Hidden Gender of Law</i> , 2nd edn. (Leichhardt, NSW: Federation Press, 2002).
17	Rosemary Hunter, Clare McGlynn and Erika Rackley (eds.), <i>Feminist Judgments: From Theory to Practice</i> (Oxford: Hart, 2010).
18	Helen Irving, <i>Gender and the Constitution: Equity and Agency in Comparative Constitutional Design</i> (Cambridge: Cambridge University Press, 2008).
19	Jean Kilbourne, <i>Deadly Persuasion: Why Women and Girls must Fight the Addictive Power of Advertising</i> (New York: Free Press, 1999).
20	Nancy Levit and Robert Verchick, <i>Feminist Legal Theory: A Primer</i> , 2nd edn. (New York: NYU Press, 2016).
21	Julia Long, <i>Anti-porn: The Resurgence of Anti-pornography Feminism</i> (London: Zed Books, 2012).
22	Catharine MacKinnon, <i>Only Words</i> (Cambridge, Mass.: Harvard University Press, 1993).
23	Catharine MacKinnon, <i>Are Women Human? And Other International Dialogues</i> (Cambridge, Mass.: Harvard University Press, 2006).
24	Ngaire Naffine, <i>Law and the Sexes: Explorations in Feminist Jurisprudence</i> (Sydney: Allen & Unwin, 1990).
25	Martha C Nussbaum, <i>Sex and Social Justice</i> (New York: OUP, 1999).
26	Carole Pateman, <i>The Disorder of Women: Democracy, Feminism and Political Theory</i> (Cambridge: Polity Press, 1989).
27	Carole Pateman, <i>The Sexual Contract</i> (Cambridge: Polity, 1988).
28	Veronica Pearson & Benjamin K P Leung (eds.), <i>Women in Hong Kong</i> (Hong Kong: Oxford University Press, 1995).
29	Patricia Smith (ed.), <i>Feminist Jurisprudence</i> (New York: Oxford University Press, 1993).
30	Robin West and Cynthia Grant Bowman (eds.), <i>Research Handbook on Feminist Jurisprudence</i> (Cheltenham: Edward Elgar, 2019).
31	Naomi Wolf, <i>The Beauty Myth: How Images of Beauty are Used against Women</i> (New York: Anchor Books, 1992).

### Additional Readings

	Title
1	Nil