

**City University of Hong Kong
Course Syllabus**

**offered by School of Law
with effect from Semester A 2020/21**

Part I Course Overview

Course Title: Law and Gender

Course Code: LW5618

Course Duration: One Semester

Credit Units: 3

Level: P5

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title) Nil

Precursors:
(Course Code and Title) Nil

Equivalent Courses:
(Course Code and Title) LW4618 Law and Gender

Exclusive Courses:
(Course Code and Title) Nil

Part II Course Details

1. 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.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs [#]	Weighting*	DEC related learning outcomes		
			A1	A2	A3
1.	Analytically describe and explain: <ul style="list-style-type: none"> ➤ 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%	✓		
2.	Apply feminist (and other) theories as well as international human rights law to: <ul style="list-style-type: none"> ➤ discover gender bias in various branches of law against women and LGBTI+ people; ➤ question discriminatory practices that women and LGBTI+ 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%	✓	✓	✓
3.	Invoke law and legal institutions to: <ul style="list-style-type: none"> ➤ challenge, in a mock settings, discriminatory practices and regulations. 	20%	✓	✓	
4.	Critically evaluate and explore: <ul style="list-style-type: none"> ➤ 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%	✓		
		100%			

- 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: Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.*
- A3: *Accomplishments: Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.				Hours/ week
		1	2	3	4	
Interactive reflections	<input type="checkbox"/> Students will acquire basic knowledge of various relevant concepts and theories; <input type="checkbox"/> Students will develop – by asking, or responding to, questions and participating in discussions – analytical and critical capabilities regarding law and gender issues; <input type="checkbox"/> Students will get an opportunity, by participating in discussions and raising or responding to questions, to critically evaluate the contribution of the feminist discourse to the empowerment of women and LGBTI+ people; and <input type="checkbox"/> Students will receive guidance on further reading and self-learning.	✓			✓	3 hour seminar per week
Exercises and discussion (including on Canvas and student-led)	<input type="checkbox"/> 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; <input type="checkbox"/> Students will deepen their understanding by leading discussion on certain law and gender issues relevant for the course but not discussed by the teacher; <input type="checkbox"/> 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; and <input type="checkbox"/> 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.	✓	✓	✓	✓	
Written brief and oral debate / journal writing	<input type="checkbox"/> 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 <input type="checkbox"/> 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.		✓	✓	✓	

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities		CILO No.				Weighting*	Remarks
		1	2	3	4		
Continuous Assessment: 50%							
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.		✓	✓	✓	30	
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, and (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.	✓	✓	✓	✓	20	
Examination: 50% (duration: 2 hours)							
	will test students' ability (i) to describe and explain analytically the notion and theories of feminism as well as varied conceptions of equality, and (ii) to apply feminist theories and human rights law to offer solutions to given hypothetical situations involving gender discrimination against women and LGBTI+ people.	✓	✓	✓		50	
						100%	

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 40% 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).

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Exercises and discussion	Ability to identify gender discriminatory practices, apply the relevant legal principles and feminist theories to real or hypothetical scenarios, and articulate one's views	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	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	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	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	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
2. Gender debate / reflective journal	Ability to evaluate gender issues in context, conduct research, articulate reasoned views cohesively by using supporting authorities	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 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 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	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	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
3. Examination	Ability to analyse facts and social situations, identify relevant discrimination issues, apply legal principles, and communicate reasoned written advice in a cohesive manner	Excellent analysis of facts and social situations, identification of relevant discriminatory practices, application of legal principles, and excellent communication of reasoned advice	Good analysis of facts and social situations, identification of relevant discriminatory practices, application of legal principles, and good communication of reasoned advice	Fair analysis of facts and social situations, identification of relevant discriminatory practices, application of legal principles, and adequate communication of somewhat reasoned advice	Barely adequate analysis of facts and social situations, identification of relevant discriminatory practices, application of legal principles, and barely adequate communication of advice	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 (more details can be provided separately in the teaching plan)

1. Keyword Syllabus

(An indication of the key topics of the course.)

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.

2. Reading List

Soft copy of core readings and cases will be posted on the Canvas site of this course. However, students may also find the books and other resources listed below useful.

Books

Nadia Ahgtaie and Geetanjali Gangoli (eds.), *Understanding Gender Based Violence: National and International Contexts* (Abingdon: Routledge, 2015).

Chris Ashford and Alexander Maine (eds.), *Research Handbook on Gender, Sexuality and the Law* (Cheltenham: Edward Elgar, 2020).

Susan Atkins & Brenda Hoggett, *Women and the Law* (Oxford: Blackwell, 1984).

Nicola Barker, *Not the Marrying Kind: A Feminist Critique of Same-Sex Marriage* (Basingstoke: Palgrave Macmillan, 2012).

Hilaire Barnett, *Sourcebook on Feminist Jurisprudence* (London: Cavendish Pub., 1997).

Simone de Beauvoir, *The Second Sex* (translated and edited by HM Parshley) (Harmondsworth: Penguin, 1972).

Jo Bridgeman & Susan Millns, *Feminist Perspectives on Law: Law's Engagement with the Female Body* (London: Sweet & Maxwell, 1998).

Meda Chesney-Lind & Lisa Pasko, *Girls, Women, and Crime: Selected Readings*, 2nd edn. (Los Angeles: SAGE, 2013).

Fanny M Cheung (ed.), *EnGendering Hong Kong Society: A Gender Perspective of Women's Status* (Hong Kong: The Chinese University Press, 1997).

Joanne Conaghan, *Law and Gender* (Oxford: Oxford University Press, 2013).

Victoria E Collins, *State Crime, Women and Gender* (Abingdon: Routledge, 2016).

Ann E Cudd & Robin O Andreasen (eds.), *Feminist Theory: A Philosophical Anthology* (Malden: Blackwell Publishing, 2005).

Amita Dhanda & Archana Parashar, *Engendering Law – Treatise on Women and Law* (Lucknow: Eastern Book Co., 1999).

- Lisa Disch and Mary Hawkesworth (eds.), *The Oxford Handbook of Feminist Theory* (Oxford: Oxford University Press, 2016).
- Evan Gerstmann, *Same-Sex Marriage and the Constitution*, 2nd edn. (Cambridge: Cambridge University Press, 2008).
- Regina Graycar & Jenny Morgan, *The Hidden Gender of Law*, 2nd edn. (Leichhardt, NSW: Federation Press, 2002).
- Rosemary Hunter, Clare McGlynn and Erika Rackley (eds.), *Feminist Judgments: From Theory to Practice* (Oxford: Hart, 2010).
- Helen Irving, *Gender and the Constitution: Equity and Agency in Comparative Constitutional Design* (Cambridge: Cambridge University Press, 2008).
- Jean Kilbourne, *Deadly Persuasion: Why Women and Girls must Fight the Addictive Power of Advertising* (New York: Free Press, 1999).
- Nancy Levit and Robert Verchick, *Feminist Legal Theory: A Primer*, 2nd edn. (New York: NYU Press, 2016).
- Julia Long, *Anti-porn: The Resurgence of Anti-pornography Feminism* (London: Zed Books, 2012).
- Catharine MacKinnon, *Only Words* (Cambridge, Mass.: Harvard University Press, 1993).
- Catharine MacKinnon, *Are Women Human? And Other International Dialogues* (Cambridge, Mass.: Harvard University Press, 2006).
- Ngairé Naffine, *Law and the Sexes: Explorations in Feminist Jurisprudence* (Sydney: Allen & Unwin, 1990).
- Martha C Nussbaum, *Sex and Social Justice* (New York: OUP, 1999).
- Carole Pateman, *The Disorder of Women: Democracy, Feminism and Political Theory* (Cambridge: Polity Press, 1989).
- Carole Pateman, *The Sexual Contract* (Cambridge: Polity, 1988).
- Veronica Pearson & Benjamin K P Leung (eds.), *Women in Hong Kong* (Hong Kong: Oxford University Press, 1995).
- Patricia Smith (ed.), *Feminist Jurisprudence* (New York: Oxford University Press, 1993).
- Robin West and Cynthia Grant Bowman (eds.), *Research Handbook on Feminist Jurisprudence* (Cheltenham: Edward Elgar, 2019).
- Naomi Wolf, *The Beauty Myth: How Images of Beauty are Used against Women* (New York: Anchor Books, 1992).

Select Hong Kong Ordinances

Marriage Reform Ordinance (Cap 178)

Marriage Ordinance (Cap 181)

Domestic and Cohabitation Relationships Violence Ordinance (Cap 189)

Matrimonial Proceedings and Property Ordinance (Cap 192)

Crimes Ordinance (Cap 200)

Control of Obscene and Indecent Articles Ordinance (Cap 390)

Sex Discrimination Ordinance (Cap 480)

Prevention of Child Pornography Ordinance (Cap 579)

Select International Instruments

ILO Equal Remuneration Convention 1951 (No. 100)

Convention on the Political Rights of Women (1954)

Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Declaration on the Elimination of Violence against Women (1993)

Beijing Declaration and Platform for Action (1995)

ILO Maternity Protection Convention 2000 (No. 183)

Sustainable Development Goals 2015 (especially Goal 5)

ILO Violence and Harassment Convention 2019 (No. 190)

Online Resources

Hong Kong Legislation: <https://www.elegislation.gov.hk/>

Independent Expert on Sexual Orientation and Gender Identity:
<https://www.ohchr.org/en/issues/sexualorientationgender/pages/index.aspx>

Women's Human Rights and Gender Equality:
<https://www.ohchr.org/en/issues/women/wrgs/pages/wrgsindex.aspx>

Gender Equality: <https://www.un.org/en/sections/issues-depth/gender-equality/>

UN Working Group on Discrimination against Women and Girls:
<https://www.ohchr.org/en/issues/women/wgwomen/pages/wgwomenindex.aspx>