

University of Cincinnati College of Law
Spring Semester 2009
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Family Law
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Gender and the Law

Course Description

This course is about the legal and cultural attributes that are associated with the biological facts of sexual identification. The course investigates legal principles and practices that make classifications on the basis of biological sex (male, female) and also on the basis of social constructions of sex, i.e gender. The basic assumptions that are made about sex being biologically determined are, in fact, socially constructed views that are deeply embedded in societies. The 'neutrality' of law masks questions of race, sexuality, religion, ability, age, etc, as well as gender. Thus, law is highly gendered.

The course thus aims to enable students to explore different ways in which the law constructs and responds to sexual difference. The intention is to develop a sense of gender as an area of debate rather than a fixed perspective, and a sense of law as a complex and dynamic process. Law is often a force which re-enforces and entrenches societal assumptions about sex/gender but can also be used as an effective tool in challenging those same assumptions. We will consider the history of discrimination, particularly against women, the development of sex discrimination laws, and their application in a variety of areas including constitutional and employment law. A variety of feminist theoretical perspectives will also be investigated.

Required Text

The required text is Bartlett and Rhode, GENDER AND THE LAW: THEORY, DOCTRINE, COMMENTARY (4th ed) (Aspen, 2006). Additional materials will be provided on a week by week basis.

Assessment

The course will be assessed by a three hour closed book examination. Detailed information on the format of the exam will be provided later in the course.

Class Participation

Teaching/ learning methods/strategies used to enable the achievement of learning outcomes:

Each weekly session will consist of a discussion based upon the textbook and any materials distributed. Materials will be taken from a broad range of disciplines as well as traditional legal sources. In order to facilitate discussion in seminars, it is imperative that students engage fully with the basic material provided as well as supplementing this with sources indicated on further reading lists.

If you are unable to attend a class because of an emergency, please let me know as soon as possible - preferably by e-mail. If you are unable to prepare for the class (in exceptional circumstances) again, please let me know as soon as possible before the beginning of the class.

Office Hours

Tuesdays 10 - 11.30

Thursdays 10 - 11.30.

I am also happy to see students at a time that is mutually convenient. Please e-mail me to set up an appointment.

Course Schedule

A detailed schedule will be provided in the first week of class.

The first class on 13 January is an introductory session and, as such, there is no preparation required for that class. For the class on 15th January please read pp 1 - 15 of Bartlett and Rhode. Please ensure that you bring the Bartlett and Rhode to each class during the course.