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MCH91-102-3-4

W G HART LEGAL WORKSHOP 1990

DISCRIMINATION AND LAW

*Teaching and Research in Sex Discrimination Law:
Where should We Be Going?*

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Thursday 5 July 1990

TEACHING AND RESEARCH IN SEX DISCRIMINATION LAW - WHERE SHOULD WE BE GOING ?

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The debate in recent years over the nature and future of legal scholarship has looked most closely at the relationship between teaching and research. One of the purposes of this paper is to explore the links between the two activities in the academic development of discrimination law in the U.K. . However each has distinctive characteristics and raises different questions when considering potential development.

Courses focussing on what might be broadly termed women's issues in law have developed over the last decade. In very general terms, both in this country and abroad, the earliest courses, given titles such as Law and Discrimination or Women and Law, took law as their starting point and did not challenge traditional concepts of law or legal method. More recent courses, with titles such as Feminist Jurisprudence or Feminist Legal Theory, have moved away conceptually and substantively from the earlier models. These courses have also questioned law teaching practices and have been heralded by some to be among the most exciting developments in the legal curriculum.

As in teaching, feminist legal research has focussed as much on methodology as on substance. Taking women's experiences as a starting point this research has exposed as false the much vaunted gender neutrality of law. It has sought to detail the patriarchal form and function of law and encouraged the development of more complex models of the operation of law in society.

Sex discrimination law, with its focus on formal equality in the public sphere sits, uneasily in a framework devised to show how the law is based on and perpetuates structural inequality and dichotomizes public and private spheres. Yet experience has shown that if women are to have equality of opportunity in public life, account has to be taken of the private sphere. Thus this paper looks at the present state of teaching and research in this area and asks what contribution feminist legal theory can make to our understanding of sex discrimination, whether it has anything new to offer law teaching and whether it has the potential for asking new questions about the form and operation of discrimination law.