

## CURRICULUM

### **Teaching the unthinkable: approaches to effective/ protected learning in the area of sexual offences**

W Ball & J Mackinnon

8 *Legal Educ Rev* 1, 1997, pp 99–111

Teaching 'sensitive' topics at tertiary level can be described as a 'minefield' of potential problems; for example, teachers and students may experience feelings of exposure, vulnerability, hurt or offence. The likelihood of encountering these problems grows with the size of the group. Teachers of sensitive topics need to anticipate such problems and adopt approaches to teaching which minimise them, so that learners are protected from problems that may block effective learning. Such topics include cultural legal dynamics, domestic violence law and the law of sexual violation.

At a New Zealand law school the principal lecturer decided to introduce the law of sexual violation as an additional topic in the Crimes course, which is compulsory and its natural 'home'. Law students, as members of society, benefit from and can benefit others if they have a knowledge of the law in this area and if the myths and prejudices in society are exposed and challenged. Society benefits from having lawyers who can give high quality professional advice on this topic with sensitivity and understanding.

However, barriers exist to the teaching of the law of sexual violation, such as budgetary constraints on small group teaching which is the ideal format and the lack of experienced and skilled staff. Male teachers may feel more exposed and students threatened when the topic being taught requires the use of sexually explicit language and graphic case law. This may block effective learning. Moreover, it is not difficult to see this topic as a 'women's issue' and to regard it as one for inclusion

within an optional rather than a resource heavy compulsory course.

The challenges for teachers are to make the classroom a safety zone for effective learning, ensure that teaching staff have appropriate skills and experience and put in place 'safety nets' for teachers and students. The authors describe the methods adopted to meet these challenges in teaching sexual violation law at their law school.

An appraisal was conducted at the conclusion of the topic, covering both course content and teaching methods. Nearly all students thought that the topic should continue to be part of Crimes and the overwhelming majority thought that the means adopted to create a safety zone were effective, such that at no time did they feel unsafe. Students also reported changing views to the law of sexual violation, including an increased understanding of the law, being better informed about the wider context (including the relationship between the victims and the legal system) and becoming more objective and less emotive about the topic.

The approaches to teaching described in this paper do not guarantee that every student will be protected from the potential problems raised by the topic, so effective learning is not a guaranteed outcome. In these circumstances, sexual violation should be a compulsory component of the LLB, but attendance by students should be optional.

### **Legal categories, women's lives and the law curriculum, or: making gender examinable**

R Graycar & J Morgan

18 *Sydney L Rev* 4, 1996, pp 431–450

This project, called "Including Gender Issues in the Law Curriculum", arose from an unease about the law's gender bias and government concern about the relationship of these attitudes and legal education. Two key decisions were made about the project at the outset:

that the central focus of attention must be the core curriculum, rather than its elective components; and that the structure of the project should be based around themes or issues, rather than traditional subject categories.

Many law schools now have specialist courses on feminist jurisprudence. These courses are optional. While this is an improvement from the time when gender issues were totally absent from law curricula, there are some limits to this approach. First, as optional courses they teach only those students whose interest in these perspectives makes them choose to do the course. They therefore have no impact on those students who do not already have an interest in those issues. There is also an argument that the students doing such courses can be marginalised and may experience disadvantage, not least from future employers who have been known to burst out laughing when they see the names of the courses on the students' CVs.

What may be more problematic is that the very existence of such courses on the curriculum of a particular law school may lead that school to claim that it has 'dealt with' gender. Students who raise gender issues in other courses might be told that they are not relevant there; that they are matters for the optional course. This is not to suggest such optional courses should not exist but rather that gender issues are central to the whole of the law curriculum and to all law students. The project was not about transforming the whole of legal education as we know it for all time, but building some overarching themes that could connect otherwise separate legal doctrines and were responsive to women's lives and would give it some coherence.

The overall goal was, of course, to incorporate materials about gender within the core law curriculum, using a thematic approach. Two basic aims were kept in mind: to assist law students to