

FEMINIST JURISPRUDENCE

Critical theory asserts that social and political issues are integral to the law and need to be taken into account for sufficient legal analysis.

→ This gave rise to the development of Feminist Jurisprudence.

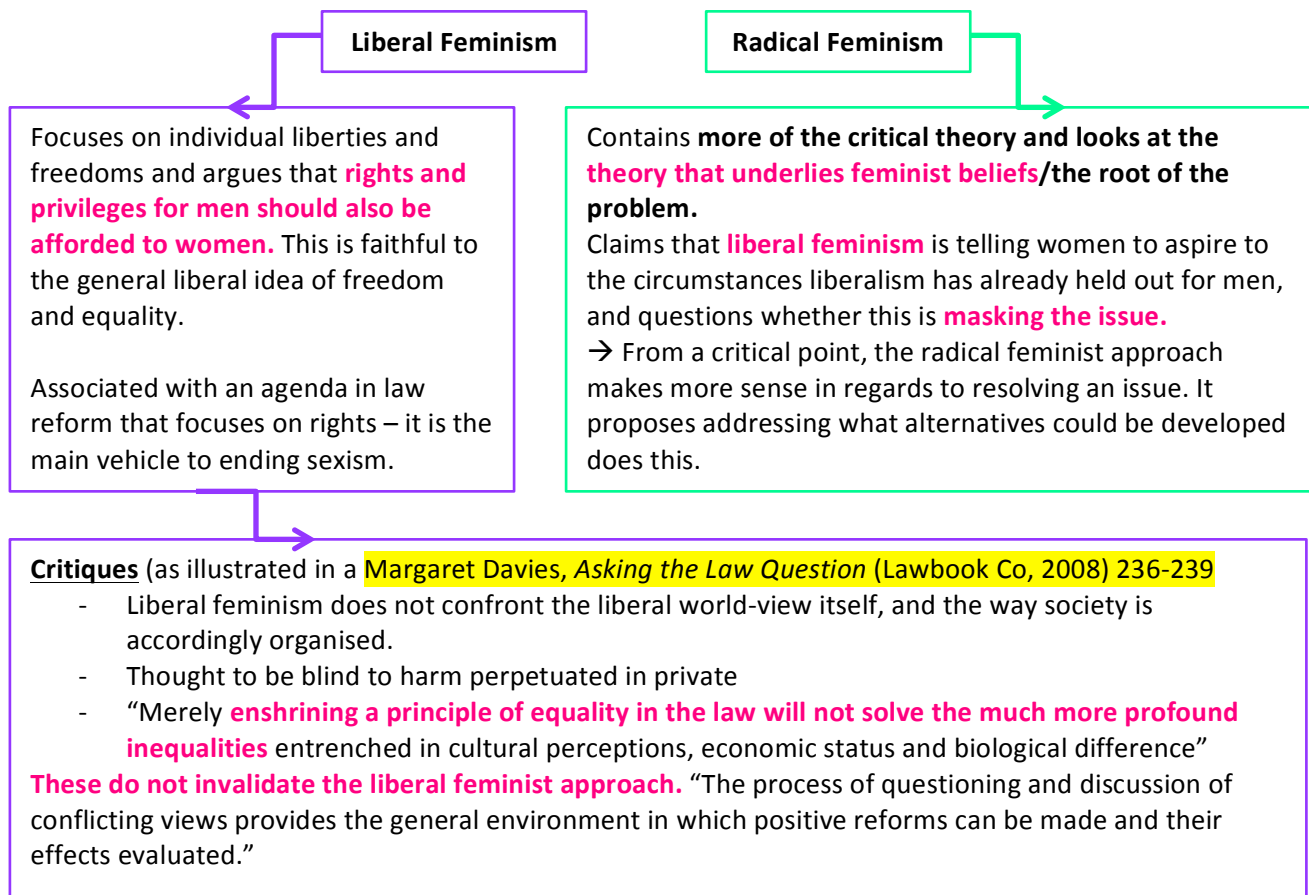
“Feminism is a movement to end sexism, sexist exploitation and oppression”.

→ Bell Hooks, *Feminism is for Everybody: Passionate Politics* (South End Press: 2000) 1

Sexism can attach to **age, race, class and physical capacity**.

It is evident feminism has **evolved and changed overtime** – the idea of equality is becoming more prevalent.

→ This is evident due to the enforced **Sex Discrimination Act 1984**.



Is Intention Necessary for Sexism?

Sexism does not necessarily have to be intentional – bias may be based on the stereotypes an individual has been exposed to instead of what their conscious ideas about a particular group are.

Critiques

- The impact of the law regarding feminism does not necessarily take into account aspects such as race and religion. E.g. the impact of the law for a Caucasian may be different to that for a non-Caucasian.

STATUTORY INTERPRETATION

Identifying Ambiguity

Semantic Ambiguity

- E.g. go to the **bank**
 - Unclear as to where to go. Could be riverbank, Commonwealth Bank etc.

Syntactic Ambiguity

- E.g. drives the vehicle, in a public place, **in a race between vehicles**
 - Relationship between the words and clauses of a sentence

Contextual Ambiguity

- E.g. it is unlawful to **kill any Australian magpie that has attacked or is attacking any person.**
 - How close does the bird need to be for it to be regarded as 'attacking'? This is subjective