

## Learning law through performativity: sexual consent pilot study Dr Laura Lammasniemi (School of Law)

This pedagogic intervention was a pilot study to introduce experiential and interdisciplinary learning to the study of criminal law (LA104). The aim of this pedagogic intervention was to teach the doctrine of sexual consent in criminal law through a live performance. Sexual offences lectures are an integral part of criminal law syllabus but they are challenging for both tutors and for students.

The performance that took place as part of criminal law lectures was a re-enactment of a fictional sexual offences trial. The parts were performed by final year students who were studying Theatre and Performance Studies. The script was written by me, and the performance was directed by Saul Hewish, a tutor in the Arts department and director of RideOut. Rideout (Creative Arts for Rehabilitation) works to develop innovative, arts-based approaches to working with prisoners and staff within U.K. prisons.

The performance included re-enactment of testimonies from the defendant, complainant, witnesses, as well as medical evidence. All the parts were played by the finalist Arts and Performance studies students. The script /re-enactment centred on an allegation of rape following a night out in a bar. The script while fictitious was loosely based on existing cases that dealt with intoxication and sexual consent, a difficult area of criminal law that lacks clarity.

Law students who are undertaking criminal law /attended the performance played the role of the jury. The trial was re-enacted live in front of the criminal law students, and the students were then given 10 minutes to deliberate in groups of six on whether they thought the defendant was guilty. Once the deliberation was complete, the students were asked to vote as a group. They were given the option to vote Guilty, Not Guilty, or Could not come to an agreement.

The students voted overwhelmingly for the guilt of the defendant.



Fig 1. The defendant, played by a final year drama student, was found guilty by the students who acted as jurors. Students' votes can be seen on the background. Here the Judge is reading out the sentence while the defence and prosecution counsels, also played by students, watch the verdict being read out.

## **Feedback**

The following week in the seminars, the students were given the opportunity to discuss the re-enactment, and their verdict again after having done more reading on the topic. The responses were collected by the seminar tutors, and shared between the criminal law teaching team to reflect on teaching of sexual offences, and consider what to take forward from the experience. The seminars gave the students an opportunity to discuss substantive issues around it, as well as feedback on the experience overall.

The project was very well received and generated interest in issues around sexual offences and criminal justice. The students had very lively discussions in the seminars, and the discussions revealed how difficult it is to determine and discuss issues around sexual consent, and how differently the same scenarios can be interpreted. The students also discussed gender norms and behaviour such as flirting, and how these can impact criminal justice.

Some students had brought friends from other departments to observe the trial, and the feedback on the experience overall was very positive. They in particular commented on how the experience allowed to them critically think jury trials.