

Gender Equality and Law

Course Syllabus

Approved by the Academic Council
of the Basic Higher Education Programme.
19.06.2018, prot. № 4.

Course description

Title of the Course: Gender Equality and Law

Pre-Requisites:

- Fluency in English
- Completion of Year 2 or 3 of Jurisprudence Programme of Studies
- Adequate knowledge of Constitutional, Civil and Criminal Law, as well as Theory of Law;
- Training in International Public Law is an asset.

Course type: elective

Abstract:

This class asks how does gender (that is concepts regarding what it means to be a man or woman) construct law and how does law construct gender? Over the past thirty years a rich and exciting body of scholarship called feminist legal theory has developed. It poses a significant challenge to traditional ways of thinking about law, questioning some of the basic premises of what constitutes justice and equality in a liberal democracy. This course examines the main tenets, methodologies, and controversies in feminist legal theory including the meaning of equality, the intersection of race and law, the public/private divide, concepts of objectivity and neutrality, and how law reproduces hierarchies while also having the ability to participate in significant social change. We will also analyze debates regarding essentialism, women's sexual agency, masculinity, and concepts of the family and basic rights of citizenship.

Using these methodologies we then examine a number of areas of law including equal protection, reproductive rights, the sex trade, work family issues, and violence. The goal of the course is to think broadly and critically regarding the interaction of law, society, and gender while exploring the potential and limitations of our legal system.

Learning Objectives

The course aims at forming gender sensitive legal knowledge and skills among students with a special focus on expert knowledge of domestic and international standards in gender equality.

Learning Outcomes

Students must gain knowledge on:

- Gain a substantive understanding of law's view of itself and its relationship to our sex and gender;
- Introduce the student to reading critical theory and legal analysis;
- Introduce the student to reading black letter criminal and constitutional law, cases and factums.

Skills and abilities:

- Foster student's ability to approach controversial issues, theories and texts with a critical lens and an open mind;
- Develop the ability to research and write substantive analytical research papers;

- Foster the ability and the confidence to think critically.

Students should gain the following competences:

- ability to work with information (search, evaluate, use information, necessary for fulfilment of scientific and professional tasks, from various sources, including application of the systematic approach);
- ability to carry out professional activities in the international environment;
- ability to search, analyse, and work with legally relevant information by using the juridical, comparative and other specific methods,
- Learn how to work cooperatively in groups.

Course Plan

Class 1. Introduction to the course

- requirements;
- topics;
- what is gender?

Class 2. Gender theory and law

- Approaches to gender and law.
- Gender theory.
- Conflict, integrationist and hermeneutic approaches.
- Feminist theory.
- Human rights of women and legal theory.
- Feminist jurisprudence.
- Legal and gender expertise.

Class 3. Gender equality and human rights

- Gender and human rights theory.
- History of human rights movements.
- Suffrage movements.
- International treaties and prohibition of gender-based discrimination.
- CEDAW.
- EU human rights law and gender.
- Russian law on gender and human rights.

Class 3. January 24: 12.10-16.30

Class 4. Gender and Family Law

- Approaches to family law.
- Global family law.
- Equality in marriage and types of marriage arrangements.
- Equality in family relationships.
- The concept of traditional values as applied to family.
- Same-sex marriage unions and families.
- Gender and spousal rights in the family.
- Parents and children.
- Gender and property regimes.
- Adoption and gender-based issues.
- Social security and gender.

Class 5. Gender and Reproductive rights:

- The concept of reproductive rights.
- Gender equality and reproductive rights.
- Family planning and international law and programs.
- Body control and male/female reproductive health.
- Surrogate motherhood and reproductive technologies.
- Russian law on reproductive rights and family planning.

Class 6. Gender equality and labour law:

- Gender equality and labour market.
- Labour rights and women's rights.
- Gender discrimination at the workplace.
- Legal protection in the labour market.
- Healthy working environment.
- Sexual harassment at the workplace.

Class 7. Gender equality and criminal law

- Feminist criminology.
- Gender and criminal legal theory.
- Gender protection in criminal law.
- Gender and crime.
- Gender and penal policies.

Class 8. Gender-based violence.

- Approaches to gender-based violence.
- Essentialism vs constructivism in violence theories.
- International standards in GBV.
- GBV as a human rights issue.
- Istanbul convention.
- Domestic violence and discrimination.
- Sexual violence and rape.
- Forced marriages.
- Genital mutilation.
- Sex trafficking and prostitution.

Class 9. LGBTQI, gender identity and equality.

- Human rights and sexual discrimination.
- Legal protection for the LGBTQI people.
- Freedom of expression and right to sexual identity.
- Hate crimes.
- Homophobia.

Class 10. Gender equality in the twenty-first century.

- Current challenges for gender equality.
- Anti-gender movements.
- Biopolitics and legal instruments of body control.
- Sexual violence in conflict.
- Challenges to human rights of women.
- Mainstreaming and neoliberal jurisprudence.
- Women and austerity.
- How to achieve gender equality: gender and sustainable development goals 2015-2030.

Reading List

Required:

Cook, Rebecca J., ed. *Human rights of women: National and international perspectives*. University of Pennsylvania Press, 2012.

Grabe, Shelly, ed. *Women's Human Rights: A Social Psychological Perspective on Resistance, Liberation, and Justice*. Oxford University Press, 2017.

Ross, S. D. *Women's human rights: the international and comparative law casebook* / S. D. Ross. – Philadelphia: University of Pennsylvania Press, 2008.

Коннелл, Р. *Гендер и власть: общество, личность и гендерная политика* / Р. Коннелл; Авториз. пер. с англ. Т. Барчуновой; Науч. ред. пер. И. Тартаковская. – М.: Новое литературное обозрение, 2015.

Optional:

Charlesworth, H. (2005). Not waving but drowning: Gender mainstreaming and human rights in the United Nations. *Harv. Hum Rts. J.*, 18, 1.

MacKinnon, C. A. (1991). Reflections on sex equality under law. *Yale Law Journal*, 100 (5), 1281-1328.

Muravyeva, M. (2014). Traditional Values and Modern Families: Legal Understanding of Tradition and Modernity in Contemporary Russia. *Journal of Social Policy Research* 12(4) (2014): 625-638.

Базуева, Е. В. *Права женщин и институты гендерного равенства в регионах России* / Е. В. Базуева, Е. А. Баллаева, М. Е. Баскакова, и др.; Под ред. Н. М. Римашевской, и др.. – М.: МАКС Пресс, 2010.

Брайсон, В. *Политическая теория феминизма: введение* / В. Брайсон; Пер. с англ. О. Липовской, Т. Липовской; Под общ. ред. Т. Гурко. – М.: Идея-Пресс, 2001.

Завадская, Л. Н. *Гендерная экспертиза российского законодательства* / Л. Н. Завадская, З. М. Зотова, А. С. Михлин, и др.; Отв. ред. Л. Н. Завадская. – М.: БЕК, 2001.

Поленина, С. В. *Правовой механизм решения гендерных проблем в современной России* / С. В. Поленина // *Государство и право*. – 2012. – N.10. – С. 5-11.

Grading System

There is a 10-point grading system in place. The final grade is based on the cumulative and exam points and follows the formula:

$$\text{Mark final} = 0,3 \times \text{Mark}_{\text{exam}} + 0,7 \text{ Mark}_{\text{cumulative}}$$

Guidelines for Knowledge Assessment

Cumulative grade:

In-Class Participation (1-10): Participation includes attending class, demonstrating that the students have completed the assigned readings, and engaging in class discussions, discussion groups, in-class writing, and other activities.

Small Assignments (1-10): Throughout the module the students will be given various small assignments and tests. These assignments will help you dig deeper into the material, and engage with their own experience throughout the semester.

Conference participation (1-10): The classes are concluded with a conference, at which students make presentations on the most acute legal issues within gender equality. Each student will identify such an issue to be presented in detail and offer her/his analysis and recommendations as to how to deal with it to ensure gender equality.

EXAM grade:

Gender Expertise paper (1-10): Students will have an opportunity to select a legal document (federal law, an article of the code or a code, policy program, instruction or other) for a conducting gender expertise paper according to their preferences. All major federal laws and codes as well as policy documents are available for the expertise. You will choose your gender expertise topic individually.

Methods of Instruction

- use of interactive educational technologies (problematic lectures, Socrates method, work in small groups);
- use of ratings and accumulative system of control.

Special Equipment and Software Support (if required)

Standard audio-visual equipment is required