

Gender in Legal Education: Aims, Strategies and Examples

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Finnish Government since Dec 10th, 2019: The Famous Five



International Commitments

- CEDAW 1979 art 11 (c)
- elimination of any stereotyped concept of the roles of men and women **at all levels and in all forms of education...** and, in particular, **by the revision of textbooks and school programmes and the adaptation of teaching methods;**



International Commitments 2

- Istanbul Convention (Violence against Women and Domestic Violence) (2011) art 14
- the necessary steps to **include teaching material** on issues such as equality between women and men, non-stereotyped gender roles, mutual respect...**in formal curricula and at all levels of education**



Why Gender?

1. To enhance equality
2. To teach (anti-discrimination) law
3. To make better lawyers with better legal skills
4. Who can think critically
5. To educate lawyers who understand how concepts and facts are constructed



University pedagogy

- *Bloom's taxonomy of learning outcomes:*
 1. *Remembering*
 2. *Understanding*
 3. *Applying*
 4. *Analyzing*
 5. *Evaluating*
 6. *Creating*



1 Feminism's four waves in five minutes

1. Formal equality – are the laws same for everyone?
2. Why gender neutral laws did not bring equality? – Women's perspective
3. Different women, different sexualities
4. Construction of sex and gender



2 Wave – Women's perspective

- Why gender neutral laws did not bring equality?
- An analysis is needed
- Bring in women's perspective: women's experience, statistics, legal analysis
- Theoretical views:
 - Biological determinism
 - Structural gender orders
 - Similarity vs difference



In law

- Promote equality: CEDAW 1979
- Against discrimination: Direct and Indirect Discrimination – Recast Sex Equality directive 2006/54/EU
- National Constitutions and anti-discrimination laws



Women's law



Law & Gender

Different women



Different ethnicities, sexualities



3 Wave in Law

- Intersectionality – race, ethnicity
- Race Directive 2000/43/EC
- Equality Framework Directive 2000/78/EC: Sexual orientation, religion, age, disability
 - Limited scope – working life
- Sexual orientation:
 - ECHR national legislators need to do something
 - ECJ national laws cannot discriminate



...four waves continues

- Gender as a social construct
- Sex as a social construct



Gender in curriculum

- Ideal: mainstreaming
- Reality: nothing
- What can I do?

- Strategic choices:
- Catch the students in the beginning: Introduction to law
- Law and gender courses – elective
- Law and gender master
- Mainstreaming



Learning goals in curriculum

- **Primary learning goal**
 - Awareness raising
 - Anti-discrimination law
 - Gender analysis
 - Gendered structures
- **Course**
 - Introductory
 - Special L&G courses, Labour law
 - Law and gender courses and programs
 - Mainstreaming



First year course – 2 hours

- Aim: Make gender politically correct
- Catch them before objectivity training

- Try to avoid women – men opposition
- Take seriously men's concerns
- My strategy is bring in ethnicity, sexual orientation, gender identity



First year course – 2 hours

- Content: Four waves with legal examples in 90 minutes
- Activation exercises
 - Start: relevant issues
 - Pair discussions
 - General discussions (check for gender balance in discussion)

Learning diary

- Opportunity for reflection
- No stress learning
- Make assessment criteria clear:
 - Understanding
 - Applying – discussing with previous knowledge
 - Analysing and evaluating – use of sources
 - Creating knowledge – synthesis



Special L&G courses

- Aims? Target group?
- Aim 1: Space for feminist/gender thought
- Target group 1: feminist/pro-feminist students
- Aim 2: Get students interested in equality; promote gender sensitivity
- Target group 2: all students



How to reach target group 2?

1. Naming the course

1. Law, gender, ethnicity
2. Gender, law and violence
3. Introduction to law and gender of law



Challenging the neutrality

2. Try to get the course as an elective course on a closed list.



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Aims of the Challenging Course

1. The indeterminacy of law and how legal principles can support different, even opposing outcomes.
2. Accepting the nature of knowledge as constructed and interdisciplinary – challenging the objectivity and neutrality
3. The power of law's discourse in creating inclusions and exclusion.
4. Understanding that legal structures may be gendered



Construction of knowledge and the student's experience

- Reflection on: What is sex? What is gender?
- How do you know your sex/gender? What makes sex/gender?
- How is sex/gender constructed in law?
- Is sex or gender constructed in law?
- What do you know, how and why do you know?



The art of critical teaching

- Creating a fearless environment –
 No place for ideologies
- Learn to reflect
- No right answers



Teaching content

- International law / national law / practice
- Gender equality law
 - CEDAW
 - EU law
 - National equality and anti-discrimination law
- Intersectionality: Anti-discrimination law
- Social welfare and parental rights
- Marriage law
- Violence against women



International student body as a resource

- Laws that challenge the binary of sex
- Definition of rape in different countries
- The intersex situation
- The gay marriage, gay couples having kids
- The imposition of sterilization on transsexuals



Teaching content

- Through group work
- Reflection papers
- Doing analysis using feminist theories
 - positivist; (1st wave)
 - gender perspective (2nd wave)
 - structural understanding (2nd wave; sociology of law)
 - difference (3rd wave)
 - Constructionism (4th wave – post-modern)
- Examination by essay



Law and gender program

Learning goals:

A broad and theoretical understanding of sex, gender and sexuality in law;

Ability to do gender assessment of laws, regulations and legal institutions

At the core:

To understand sex and gender as social constructs

To learn to analyse legal structures as gendered structures



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Mainstreaming gender in curriculum

- UTU instructions for curriculum work
- Every discipline does not need to do same things
- What is relevant in your discipline
- What is possible in your discipline



Examples: text books and other materials

- What kind of explicitly gendered examples do the materials use?
- Are the actors in them usually men? Do women have stereotypically female roles?
- Are there implicit gender stereotypes?
 - E.g. 1. Announcement for a job: A young and dynamic lawyer
 - E.g. 2. In contract/trade law typical example is car sale
- Are all relevant points of view covered?
 - E.g. 1. Is VAW included in criminal/procedural law teaching?
 - E.g. 2 Are questions about parental leave and pregnancy discrimination covered in social and labour law?
- Who has written the text books?



Examples: Organising education

- Groups:
 - Who divides students into groups?
 - Gender balance in the groups? Or one-gender groups on purpose?
 - Other aspects, such as age and ethnicity?
- Who speaks?
 - Are women and minorities given floor?
 - How to encourage them?
 - How to create a constructive atmosphere?



Gender of the student body

- How can we encourage minority youth to apply?
- Outreach?
- For gender courses – course title, course description
- Professional identity – how to become a lawyer?
 - The main lawyers' organisations in Finland are Law-men's organisation(!)
 - How do student organisations function?



- Education is a political act and legal education especially perpetuates the legitimization of power, although it could also be used to transform power structures.

