

ERASMUS + STRATEGIC PARTNERSHIP IN HIGHER EDUCATION - New Quality in Education for Gender Equality  
- Strategic Partnership for the Development of Master`s Study program LAW AND GENDER, LAWGEM -  
Project No: 2019-1-RS01-KA203-00088



# LAWGEM

Master`s Study Program  
Law and Gender

**Syllabus Form**

LAWGEM



Co-funded by the  
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<b>Program: Master Academic Studies – LAW AND GENDER</b>
<b>Course title: Feminist Political and Legal Theories</b>
<b>Teachers:</b> Prof. Dr. Dragica Vujadinović, Prof. Dr. Miodrag Jovanović, Prof. Dr. Tanasije Marinković, Prof. Dr. Bojan Spaić (University of Belgrade), Prof. Dr. Antonio Álvarez del Cuvillo, Prof. Dr. Asuncion Aragon (Universidad de Cadiz), Prof. Dr. Fabio Macioce (LUMSA University), A/Prof. Dr Sofia Strid, Prof. Dr. Zara Saeidzahedeh (Orebro University).
<b>Course status: mandatory</b>
<b>Number of ECTS: 6 ECTS</b>
<b>Requirements:</b> Bachelor degree or equivalent
<p><b>Aims of the course:</b></p> <p>The central aim of the course is to familiarize students with the key concepts, controversies and schools of thought in feminist legal and political theory. Some of the basic concepts and conceptions are to be discussed: gender, equality, freedom, justice, public and private, citizenship, political authority, democracy, legal subject, contract, rule of law, constitutionalism, constitutional and human rights in feminist perspective. The acquired command of basic concepts, theoretical schools, and controversies, will enable students to develop a critical attitude towards both the studied theories and those theories in the mainstream legal and political thought that are dismissive of feminist approaches. Furthermore, the course aims at developing students' analytical and critical skills in legal and political reasoning from the gender perspective.</p> <p>The specific aims of the course are the following: students will become familiar with the concept and conceptions of gender, will understand modes of political and legal construction of gender, acquire knowledge about feminist political and legal theories, understand how the basic concepts of political and legal theories could be reconsidered from different feminist points of view, and understand the sense and content of the basic issues of politics and law which are of relevance for gender equality approach.</p>
<p><b>Course result:</b></p> <p>By the end of the course, the students will have acquired an understanding of the feminist interpretation of the key concepts, as well as of principles and aims of the feminist political and legal thought. Students will acquire both analytical and critical skills in legal and political reasoning from the gender perspective.</p> <p>The students will be capable of discussing issues in feminist democratic theory, and prepared to approach classical legal and political concepts by taking into account the principles of equality and difference (between both sexes, gender identities, and among women). They will achieve a more nuanced and more informed view of the most general normative advancements of feminist legal and political theory in the domain of citizenship and justice.</p> <p>Specific expected course outcomes are: students have acquired knowledge and understanding of gender, of its political and legal construction, of mainstream ideas in feminist and legal theories, of meaning and modes of feminist reconsideration of main political and legal categories.</p>
<p>Course content:</p> <p><b>AN INTRODUCTION TO GENDER</b></p> <p>1. Concepts of gender. "The sex-gender debate". Binary and non-binary gender identities.</p>

Notions of feminism

2. Notion of patriarchy; Patriarchy in the history of politics and law; Patriarchal structures in political and legal reasoning – power relations, drafting laws, case law

### **POLITICAL AND LEGAL CONSTRUCTION OF GENDER**

3. Reading the history of political thought (from Plato to Rawls) from the feminist points of view

4. Reading the history of legal thought (theory of natural law, legal positivism, legal realism) from the feminist points of view

### **FEMINIST POLITICAL AND LEGAL THEORIES – Development and Contemporary Streams**

5. History and contemporary streams in feminist theories – Suffragettes` movements, liberal feminism, radical feminism, socialist feminism, queer feminism, postcolonial feminism

6. Evolution in feminist critical legal theory – feminist critique of conventional jurisprudence, critical legal studies

### **POLITICAL AND LEGAL CONCEPTS RECONSIDERED**

7. Central concepts of political thought reconsidered from the feminist point of view – equality, freedom, justice, public and private, citizenship, political authority, democracy

8. Central feminist political issues – “private sphere”, “domestic sphere”, “public sphere”; production, reproduction and sexual division of labour; Gender and sexuality; Queer and trans-politics; intersectionality and multiculturalism; pornography and prostitution; hate speech

9. Central concepts of legal thought reconsidered from the feminist point of view – legal subject, contract, positive laws, legal norms and facts, implementation and interpretation of laws, patriarchal habits vs. legal norms, human rights, collective rights, equality before the law, rule of law, neutrality of law, constitutionalism

10. Central feminist legal issues from a theoretical perspective - indirect and hidden discrimination; sexual harassment and gender-based harassment; affirmative action; transformative equality and gender mainstreaming; balanced participation and gender democracy

### **Literature:**

#### **Required reading:**

R. West, C. G. Bowman (eds), *Research Handbook on Feminist Jurisprudence*, Elgar, 2019.

V. Bryson, *Feminist Political Theory: An Introduction*, Macmillan, 1992;

J. Conaghan, *Law and Gender*, Oxford University Press, 2013.

L. Zerilli, Feminist Theory and the Canon of Political Thought, in: J. S. Dryzek, B. Honig, Anne Phillips eds. *The Oxford Handbook of Political Theory*, Oxford University Press, 2008.

L. Disch, M. Hawkesworth eds. *The Oxford Handbook of Feminist Theory*, Oxford University Press, 2016.

L. Francis and P. Smith, "Feminist Philosophy of Law", in: Edward N. Zalta ed., *The Stanford Encyclopedia of Philosophy*, Winter 2017 Edition

H. Barnett, *Introduction to Feminist Jurisprudence*, Cavendish Publishing Limited, London, Sydney 1998

L. Palazzani, *Gender in Philosophy and Law*, Springer, Heidelberg 2012

J. Grimshaw, *Feminist Philosophers: Women's Perspectives on Philosophical Traditions*, Wheatsheaf Books, 1986

N.J. Hirschmann and C. Di Stefano, *Revisioning the Political – Feminist Reconstructions of Traditional Concepts in Western Political Theory*, Westview Press, 1996

#### **Further reading:**

- F. E. Olsen ed. *Feminist Legal Theory*, NYU Press, 1995
- Ph. Essed and D.Th. Goldberg eds. *A Companion to Gender Studies*, Blackweel Publisher 2017.
- N. Lacey, *Unspeakable Subjects*, Oxford, Hart Publishing, 1998
- K. Knop ed. *Gender and Human Rights*, Oxford University Press, 2004
- C. Smart, *Feminism and the Power of the Law*, Routledge, New York and London, 1989
- S. Benhabib and D. Cornell, *Feminism as Critique*, University of Minnesota Press, 1987
- S. Benhabib, *Situating the Self*, Polity Press, Cambridge 1992
- S. Benhabib, J. Butler J, D. Cornell, and N. Fraser, *Feminist Contentions*, Routledge, New York and London 1995
- K.W. Crenshaw, Mapping the margins: intersectionality, identity politics and violence against women of color, *Stanford Law Review*, Volume 43, 1991
- G. Lloyd, *The Man of Reason: Male and Female in Western Philosophy*, Methuen, London 1984
- G. Lloyd ed. *Feminism and History of Philosophy*, Oxford University Press, Oxford 2002
- C.A. MacKinnon, *Toward a Feminist Theory of the State*, Harvard University Press, Cambridge Mass. and London 1987
- S. Sevenhuijsen, *Citizenship and the Ethics of Care: Feminist Considerations on Justice, Morality and Politics*, Routledge, New York and London, 1998
- L.F. Goldstein, ed. *Feminist Jurisprudence: The Difference Debate*. Rowman and Littlefield, Lanham 1992
- C.A. MacKinnon, *Feminism Unmodified*, Harvard University Press, Cambridge, Massachussets 1987
- D. Gozdecka, A. Macduff eds. *Feminism, post feminism and legal theory: beyond the gendered subject?*, Routledge, London 2019
- E. Cunliffe, Amibiquities. Law, Morality and Legal Subjectivity in L.A. Hart's The concept of law, in: M. Drakopoulou ed. *Feminist encounters with legal philosophy*, Routledge, London 2014
- M. Davies, Law Unlimited, In: *Law Unlimited: Materialism, Pluralism, and Legal Theory*. Routledge 2017
- M.A. Fineman, J.E. Jackson, & A.P. Romero, *Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations*, Ashgate 2009.
- M.A. Fineman, M. Albertson, & N.S. Thomadsen, eds. *At the Boundaries of Law: Feminism and Legal Theory*. Routledge, London 2016
- A. Gunnarsson, E.M. Svensson, & M. Davies, *Exploiting the limits of law: Swedish feminism and the challenge to pessimism*, Ashgate 2007
- K. Hahl, P.M. Niemi, R.J. Longfor & F.Dervin eds. *Diversities and interculturality in textbooks: Finland as an example*, Cambridge Scholars Publishing, Cambridge 2015.
- L. Green, Gender and the Analytical Jurisprudential Mind, *The Modern Law Review* 2020.

**Instruction method:**

Primary interest is in active involving students in their own knowledge acquisition and in stimulating their critical reconsidering of political and legal theories from gender perspective. Learning approach will be insofar based on collaborative, inquiry-based, student-centred approach to studying. Theoretical and practical classes will ensure interactivity and active participation of students – discussion after each lecture, case law analysis, debates.

**Exams (maximum number of points 100):**

Students will have one oral exam. Pre-exam activities will be also taken into account: Seminar paper: 20 points; Active participation during lectures and practical classes: 40 points; Final exam: 40 points.

Each university will articulate exam instructions in accordance with his/her own system of exams' holding.

**Grading system:**

Grading system: A, B, C, D, E, F /10, 9, 8, 7, 6, 5 (failed)