

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
Erasmus+ Programme
of the European Union

Program: Master Academic Studies – LAW AND GENDER
Course title: Private Law and Gender Equality
Teachers: Dr. Nenad Tešić, Dr Milena Đorđević, Dr. Katarina Dolović Bojić, Dr. Snežana Dabić Nikićević, Dr. Branka Babović (University of Belgrade), Prof. Dr. Fuensanta Rabadán Sánchez-Lafuente, Prof. Dr. María Amalia Blandino Garrido, Prof. Dr. Isabel Villar (Universidad de Cádiz) Prof. dr. Gabriele Carapezza Figlia,, Dr. Letizia Coppo (LUMSA U), Prof. Dr. Eleonor Kristoffesson (Orebro University).
Course status: Optional
Number of ECTS: 3 ECTS
Requirements: Bachelor's degree or equivalent
Aims of the course: The course is designed to provide an evaluation of key private law areas from the gender perspective and monitor the development of gender-sensitive private law. The course shall encompass current regulation as well as a comparative overview of the legal institutes which are designed to fight against gender-based discrimination in private law. The aim of this shall be creation of a framework for understanding the possible future development of the key gender-sensitive areas of private law: property law, contract law, as well as civil procedure and private international law.
Course result: Upon finishing the course, the students should be able to identify gender-sensitive issues in private law and legal institutes which are used for development of gender-sensitive private law as well as preventing discrimination in private law.
<p>Course content:</p> <ul style="list-style-type: none"> • Gender equality and proprietary relations (legal capacity, equality in acquisition of: residential units, agricultural land and company shares). • Gender equality and contracts (capacity to contract, party autonomy, equality of parties, subject-matter of contract, form and formation, validity and enforceability of contract based on examples of loan and insurance agreements and life care agreements, contractual remedies, impossibility to perform, new tendencies in gender sensitive contract law (sex contract). • Gender equality and conflict of laws (property law relations, contracts, tort law, new tendencies in gender sensitive conflict of laws). • Gender equality and civil procedure (general principles, (international) litigation, collective redress, enforcement proceedings, alternative dispute resolution). • Other areas of gender sensitive private law (tort law).
<p>Literature:</p> <p>Required reading:</p> <ol style="list-style-type: none"> 1. H. Kötz, <i>European Contract Law</i>, OUP Oxford, 2017.

2. P. Chowdhury (ed.), *Understanding Women's Land Rights: Gender Discrimination in Ownership*, Sage Publications Inc, 2017.
3. L. Martínez Velencoso, S. Bailey, & A. Pradi (Eds.), *Transfer of Immovables in European Private Law (The Common Core of European Private Law, p. I)*, Cambridge, 2017.
4. B. Anderson, A. Task, *Class Action Playbook*, Lexis Nexis, 2018.
5. C. Menkel-Meadow, *Women's Ways of Knowing Law: Feminist Legal Epistemology, Pedagogy and Jurisprudence*, in N.R. Goldberger, J.M. Tarule, B.M. Clinchy & M.F. Belenky (eds.) *Knowledge, Difference and Power: Essays Inspired by Women's Ways of Knowing*, New York, Basic Books, 1996.
6. M. Chamallas, *Introduction to Feminist Legal Theory*, 3rd ed., Aspen Law and Business, New York, 2013.
7. K. T. Bartlett, *Feminist Legal Methods*, 103 *Harvard Law Review*, 1990, 829.
8. M. Fineman, & E. Zinsstag (eds.), *Feminist Perspectives on Transitional Justice*, Intersentia, Antwerp, 2013.

Additional reading:

1. E. Mišćenić, *Autonomy and Antidiscrimination in Private Law* in: C. Jessel-Holst et al. (ed.), *Civil Law Forum for South East Europe - Collection of studies and analyses*, 2013, p. 28, 3rd Regional Conference of the Civil Law Forum for South East Europe, 2013.
2. S. Cummings, *Gender Perspectives on Property and Inheritance: A Global Sourcebook*, 2001.
3. P. Chowdhury (ed.), *Gender Discrimination in Land Ownership*, Sage Publications Inc 2009.
4. *International Human Rights Law and Gender Equality and Non-Discrimination Legislation Requirements and Good Practices*, ICJ Briefing paper, April, 2014.
5. L. Ruggeri, I. Kunda, S. Winkler (eds.), *Family Property and Succession in EU Member States: National Reports on the Collected Data*, Sveučilište u Rijeci, Pravni fakultet/University of Rijeka, Faculty of Law, Rijeka, Croatia, 2019.
6. Directorate-General for Justice and Consumers, *Gender equality law in Europe, How are EU rules transposed into national law in 2016?* prepared by Alexandra Timmer and Linda Senden (Utrecht University) for the European network of legal experts in gender equality and non-discrimination December 2016 Based on information current on 1 April 2016.
7. M. M. Mahoney, *The Equitable Distribution of Marital Debts*, Legal Studies Research Paper Series, Working Paper No. 2011-15, May 2011.
8. S. C. Yeazell, J. C. Schwartz, *Civil procedure*, 10th edition, Aspen, 2018.
9. C. Nordholtz, M. Mekat, *Musterfeststellungsklage*, Nomos, Baden Baden, 2019.
10. S. Hennette-Vauchez; M. Pichard; D. Roman *Genre et droit*, *Ressources pédagogiques*, 1e édition, Daloz, 2016.
11. *Women, Business and the Law*, International Bank for Reconstruction and Development, The World Bank, 2018
12. O. Antić, *Serbia&Montenegro: Family Law and Inheritance Law (LawOf Succession)*, *International Encyclopedia of Laws* (ed. R. Blanpain), Kluwer Law International, Alphen aan den Rijn, 2006, pp. 294.
13. A. Weinland, *Die neue Musterfeststellungsklage*, C.H. Beck, München, 2019.
14. *Cross country comparison of regional mechanisms for delivery of free legal assistance*,

World Bank Multi Donor Trust Fund for Justice Sector Support, 2014.

15. V. Vodinelić, S. Gajin, M. Živković, I. Spasić, J. Pak, V. Živković – A. Knežević, *Property law amendments in Serbia* (opportunities for a Reform in Serbia under Consideration of the Regional Developments in South-East-Europe), “GTZ”, Beograd, 2004, pp. 208.
16. L. Bender, *A Lawyer's Primer on Feminist Theory and Tort*, (1988) 38 *Journal of Legal Education* 3;
17. C. Dalton, *An Essay in the Deconstruction of Contract Doctrine*, (1984) 94 *Yale Law Journal* 997;
18. M. Jo Frug, *Re-reading Contracts: A Feminist Analysis of Contracts Casebooks*, (1985) 34 *American University Law Review* 1065;
19. M. Jo Frug, *Rescuing Impossibility Doctrine: A Post-Modern Feminist Analysis of Contract Law* (1992) 140 *U Penn. Law Review* 1029;
20. C. Menkel-Meadow, *Women in Dispute Resolution: Parties, Lawyers and Dispute Resolvers – What Difference Does 'Gender Difference' Make?* (2012) *Dispute Resolution Magazine* (ABA April 2012).

Instruction method:

Primary interest is in active involving students in their own knowledge acquisition and in stimulating their critical thinking for better understanding the implementation of gender perspective in every legal branch, including this one. Learning approach will be insofar based on collaborative, inquiry-based, student-centred approach to teaching. Lecturers will adopt student-oriented teaching methods (case study, moot court, “snowballing”, etc.). Lectures will be based on comparative analysis and analysis of case-law of ECHR, European and national courts.

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 for the course

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