

Gender and Law

Code: 102280
ECTS Credits: 6

Degree	Type	Year	Semester
2500786 Law	OT	4	0

Contact

Name: Lorena Garrido Jimenez
Email: Lorena.Garrido@uab.cat

Use of languages

Principal working language: catalan (cat)
Some groups entirely in English: Yes
Some groups entirely in Catalan: Yes
Some groups entirely in Spanish: Yes

Teachers

Noelia Igareda González
Paula Arce Becerra

Prerequisites

No prerequisite is required

Objectives and Contextualisation

The objectives are:

1. Critical analysis of the creation, application and interpretation of Law from a gender perspective.
2. Identify the factors that prevent real and effective equality in diverse areas of the legal system.
3. Case study on the alleged neutrality of Law through Spanish and European jurisprudence.

Skills

- Arguing and laying the foundation for the implementation of legal standards.
- Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
- Drawing up legal texts (contracts, judgements, sentences, writs, rulings, wills, legislation...).
- Identifying and solving problems.
- Identifying, assessing and putting into practice changes in jurisprudence.
- Integrating the importance of Law as a regulatory system of social relations.
- Properly analysing the issues related to equality between men and women.
- Students must be capable of demonstrating a critical awareness of the analysis of the legal system and development of legal dialectics.
- Students must be capable of perceiving the impact and implications of the decisions taken.
- Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
- Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
- Working in multidisciplinary and interdisciplinary fields.

- Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Learning outcomes

1. Applying the current discussions about gender and law, bioethics, law and technology and sociology of law to the legal practice.
2. Associating law and current social problems.
3. Demonstrating a sensible and critical reasoning: analysis, synthesis, conclusions.
4. Describing the evolution of jurisprudence in relation to the contemporary problems about gender and law, bioethics, law and technology and sociology of law.
5. Describing the problems related to the equality between men and woman in legislation and jurisprudence.
6. Distinguishing the different critical contributions to the theory of Law.
7. Exploring the law-society relations in the fields of gender and law, bioethics, law and technology and sociology of law.
8. Identifying and solving problems.
9. Identifying in the jurisprudence the several problems proposed by subject.
10. Identifying the factors for the discrimination in the legal practice.
11. Identifying the problems of law implementation.
12. Identifying the socio-legal problems in the current socio-legal theories.
13. Interpreting the contributions of gender and law, bioethics, law and technology and sociology of law.
14. Students must be capable of perceiving the impact and implications of the decisions taken.
15. Students must be capable of producing initiative, creative and innovative knowledge, as well as new ideas.
16. Students must be effective in a changing environment and when facing new tasks, responsibilities or people.
17. Working in multidisciplinary and interdisciplinary fields.
18. Working in teams, being either a member or a coordinator of working groups, as well as making decisions affecting the whole group.

Content

1. The false neutrality of Law
 - 1.1. The neutrality and abstraction of modern Law
 - 1.2. Why the Law has a gender impact
 - 1.3. Feminist jurisprudence
2. Equality and non-discrimination from a gender perspective
 - 2.1. Concept of discrimination
 - 2.2. Dimensions of equality
 - 2.3. Anti-discriminatory Law
3. Theories of justice and gender.
 - 3.1. Criticism of classical contractualist theories
 - 3.2. Ethics of care
 - 3.3. Feminist theories of justice
4. Citizenship and gender
 - 4.1. Birth of the Rule of Law. The exclusion of women in the foundations of the modern State
 - 4.2. Citizenship of Liberal Law
 - 4.3. Social State and Rule of Law
5. Equality laws
 - 5.1. The international and European influence on gender equality
 - 5.2. The equality law at the State level
 - 5.3. The equality laws at the Autonomic level
6. Sexist violence and legal instruments
 - 6.1. State and autonomic legislation on gender-based violence
 - 6.2. Catalan law against sexist violence
 - 6.3. Sexual harassment and harassment on grounds of sex

- 6.4. Female genital mutilation and forced marriages
- 7. Care and gender
 - 7.1. Labour market and homo economicus
 - 7.2. Gender inequalities in the Welfare State
 - 7.3. Protection of maternity, paternity and associated circumstances
- 8. Public and private: the family
 - 8.1. Gender inequalities in family breaks
 - 8.2. New models of families and the role of Law
 - 8.3. The problems of intersectional discrimination of migrant women
- 9. Bioethics and gender
 - 9.1. Sexual and reproductive rights
 - 9.2. Maternity and paternity
 - 9.3. Debates on abortion
 - 9.4. Assisted reproduction techniques
 - 9.5. Human biotechnology
- 10. Sexuality and Law
 - 10.1. The construction of sexuality and contributions of the queer theory
 - 10.2. The debate on prostitution and sex work
 - 10.3. Women trafficking for sexual exploitation

Methodology

Methodology

The teaching of the subject and training of students is based on the following activities:

1. Guided activities:

1.1 Lectures: where students reach the conceptual bases of the subject and its legal and jurisprudential framework. Lectures are the activities in which less interactivity is required from the student, and are conceived as a presentation to establish the conceptual referents in each topic.

1.2. Practical classes: where students, in small groups, analyse, along with the teacher, practical cases previously elaborated. In specific situations, the cases will be drawn up in class. The basis of practical classes is the understanding and application of the concepts explained in the lectures.

2. Supervised activities

These are activities that students develop in the classroom, with the supervision and support of the teacher. The students will elaborate some practical case during the class.

3. Autonomous activities:

3.1 Preparation of documents of practical activities that will be delivered and analysed in the class.

3.2 Searching bibliography and jurisprudence adequate for the resolution of practical cases. In some cases, the students will have to do the autonomous search of documentation.

3.3 Comprehensive reading of legal texts, including decisions, norms, articles, as well as recommended manuals.

Activities

Title	Hours	ECTS	Learning outcomes
Type: Directed			
Reading legal texts	30	1.2	1, 16, 3, 5, 6, 7, 11, 12, 13, 2
Searching bibliography and jurisprudence	15	0.6	1, 5, 4, 7, 10, 11, 9, 8, 15, 14, 2
Type: Supervised			
Practical application of theoretical knowledge	15	0.6	1, 16, 3, 5, 4, 10, 11, 13, 8, 15, 14, 18, 17, 2
Type: Autonomous			

Lectures	15	0.6	3, 5, 4, 10, 11, 9, 8, 14, 18, 17
Practical classes	30	1.2	1, 3, 5, 6, 7, 11, 12, 13, 8, 15, 14, 2
Study	45	1.8	1, 16, 5, 6, 7, 10, 11, 12, 13, 15, 14, 2

Evaluation

Evaluation

The final grade will be obtained from the following elements:

1.1 Continuous assessment (50% of the final grade)

The date of the evaluable activities and their content will be included on the virtual campus before the start of the classes.

The students are advised to attend regularly to classes and carry out the programmed activities during the course (readings, comments on legislation, analysis of case law, etc.)

1.2 Final exam (50% of the final grade)

The final exam must be approved with a grade equal to or higher than 5, to be averaged with the grade of the continuous assessment.

SECOND CHANCE EXAM

There will be a second chance exam.

Evaluation activities

Title	Weighting	Hours	ECTS	Learning outcomes
Continuous assessment	50%	0	0	1, 16, 3, 5, 4, 7, 10, 11, 12, 9, 13, 8, 15, 18, 17, 2
Final Test	50%	0	0	1, 16, 3, 5, 6, 7, 10, 11, 12, 13, 8, 15, 14, 2

Bibliography

Bibliography

ALKORTA, Itziar (2003): Regulación jurídica de la Medicina Reproductiva. Derecho español y comparado, Navarra: Aranzadi.

BARRÈRE UNZUETA, M^a Angeles (2001): "Problemas del derecho antidiscriminatorio: subordinación versus discriminación y acción positive versus igualdad de oportunidades", Revista Vasca de Administración Pública, n^o 60, pp. 145-166.

BARTLETT, Katharine T. (1990): Feminist Legal Methods, 103 Harv. L. Rev. 829 (1989-1990), pp. 829 to 888

BELTRÁN, Elena; MAQUEIRA, Virginia (eds.): Feminismos. Debates teóricos contemporáneos, Madrid: Alianza Editorial.

BODELÓN, Encarna y GIMENEZ, Pilar (2007): Construint les drets de les dones: dels conceptes a les polítiques locals, Barcelona: Diputació de Barcelona.

BODELÓN, Encarna (2010): "Las leyes de igualdad de género en España y Europa: ¿hacia una nueva ciudadanía?", Anuario de Filosofía del Derecho, n^o 26, pp. 85-106.

BODELÓN, Encarna (coord.) (2012): Violencia de género y las respuestas de los sistemas penales, Buenos Aires: Ediciones Didot.

FACIO, Alda (1995): Cuando el Género suena, cambios trae, Caracas: Gaia, centro de las Mujeres, Mediateca de las Mujeres ULA.

GIL RUIZ, Juana M^a (2007): Los diferentes rostros de la violencia de género, Madrid: Dyckinson.

GILLIGAN, Carol (1982): In a different voice: psychological theory and women's development, Cambridge: Harvard University Press.

HEIM, Daniela; BODELÓN, Encarna (coord.): Derecho, Género e Igualdad: cambios en las estructuras androcéntricas, Barcelona: Antígona, págs. 127-140.

IGAREDA, Noelia (2012): "Las madresposas en el sistema de protección social español", Aequalitas, Revista Jurídica de Igualdad de Oportunidades entre Mujeres y Hombres, n^o30, Enero-Junio 2012, pp. 48-53.

IGAREDA, Noelia (2012): De la protección de la maternidad a una legislación sobre el cuidado, Saarbrücken: Editorial académica española.

JONES, Jackie; GREAR, Anna; FENTON, Rachel Anne; STEVENSON, Kim (Eds.) (2012): Gender, Sexualities and Law, London : Routledge

LAURENZO, Patricia; MAQUEDA, M^a Luisa; RUBIO, Ana (coord.) (2008): Género, Violencia y Derecho, Tirant lo Blanc.

LAURENZO, Patricia (coord.) (2010): La violencia de género en la ley, Madrid: Dyckinson.

LEMA AÑÓN, Carlos (1999): Reproducción, poder y derecho, Madrid: Trotta

MACKINNON, Catherine (1979): Sexual harassment of working women: a case of sex discrimination, New Heaven: Yale University Press.

MACKINNON, Catherine (1989): Toward a feminist theory of the state, Cambridge, Mass. : Harvard University Press.

MACKINNON, Catherine (1995): Hacia una teoría feminista del Estado, Madrid: Ediciones Cátedra.

MACKINNON, Catherine (1987): Feminism unmodified: discourses on life and law, Cambridge: Harvard University Press.

MESTRE I MESTRE, Ruth (2006): La caixa de Pandora: introducció a la teoria feminista del dret, Valencia: Tirant lo Blanc.

MESTRE, Ruth; BARRERE, Maggy; BELTRÁN, Elena (2008): Mujeres, derechos y ciudadanía, Madrid: Tirant lo Blanc.

NAVAS, Susana (dir) (2012): Iguales y diferentes ante el derecho privado, Valencia: Tirant lo Blanc.

NICOLÁS, Gemma; BODELÓN, Encarna (comps): Género y dominación. Críticas feministas del derecho y el poder, Barcelona: Antropos, pp. 95-116.

NUSSBAUM, Martha (2004): Hiding from humanity: disgust, shame and the law, Princeton: Princeton University Press.

OKIN, Susan (1989): Justice, Gender and the Family, Basic Books, Great Britain.

PATEMAN, Carole (1988): The social contract, Stanford (Calif.) : Stanford University Press

PATEMAN, Carole (1995): El contrato sexual, Barcelona: Anthropos

PITCH, Tamar (2003): Un derecho para dos: la construcción jurídica del género, sexo y sexualidad. Madrid: Trotta.

PUIGPELAT, Francesca (1997): "La selección de sexo: aspectos jurídicos y valoración crítica", Revista de Derecho y Genoma Humano, nº 6, pag. 93-110.

PUIGPELAT, Francesca (2004): "Feminismo y técnicas de reproducción asistida", Aldaba: Revista del centro asociado a la UNED en Melilla, nº 32, pp. 63-80.

RODRIGUEZ PALOP, M^a Eugenia (2007): "La lucha por los derechos fundamentales de las mujeres en el siglo XIX. Escenarios, teorías, movimientos y acciones relevantes en el ámbito angloamericano" en VV.AA. (coord.): Historia de los derechos fundamentales, vol. 3, Tomo 2, Madrid: Dyckinson.

RUBENSTEIN, Kim; YOUNG Katharine G. (2016): The Public law of gender: from the local to the global, Cambridge ; New York : Cambridge University Press

RUBIO, Ana; HERRERA, Joan (coord.) (2006): Lo público y lo Privado en el contexto de la Globalización, Sevilla: Instituto Andaluz de la Mujer, pp. 23-66.

RUBIO, Ana; RUIZ, Juana M^a (2012): Dignidad e igualdad en derechos. El acoso en el trabajo, Madrid: Dyckinson.

RUBIO, Ana; RUIZ, Juana M^a (2012): Las medidas disuasorias frente al acoso sexual y acoso por razón de sexo, Madrid: Dyckinson.

SMART, Carol (1989): Feminism and the power of law, London: Routledge.

STANG DAHL, Tove (1987): El Derecho de la Mujer, Vindicación Feminista Publicaciones, Madrid.

VV.AA. (2011): Estudio sobre la aplicación de la Ley Orgánica 3/2007, de 22 de marzo, para la Igualdad Efectiva de Mujeres y Hombres, Barcelona: Centre d'estudis Jurídics i Formació Especialitzada,