

Course title: <i>Gender Issues in Comparative Legal History</i>
Teacher/Teachers: Prof. Dr Dragica Vujadinović, Prof. Dr Vojislav Stanimirović, Doc. Dr Nina Kršljanin, Una Divac, MA
Course status: optional
Number of ECTS: 3 ECTS
Requirements: /
Aim of the course: The students should gain knowledge regarding main gender issues in comparative legal history, e.g. the evolution of gender roles and relations, the genesis and variations of patriarchy through pre-modern history and the dialectic between patriarchy and emancipatory tendencies in the Modern Age. Students will also gain knowledge about the history of the women's struggle for their human rights and gender equality before the law (in the eyes of the legislator as well as in legal practice), as well as about the current state of gender equality in various cultures and legal systems. This aim shall be realized through an interactive research attempts towards acknowledging the gender relations, and particularly the legal position of women, throughout legal history, in the key legal systems or groups of systems („legal families”) of Antiquity, the Middle Ages and Modernity, but also through analysing in a synthetic manner (across different legal systems and periods) a number of key gender issues that have occurred in one form or another in the majority of legal systems.
Course outcome: Upon finishing the course, the students should have a basic understanding of the key gender issues throughout comparative legal history. They should be able to perceive the historical background of the current status of gender relations in the main legal systems of the world (both the achieved improvement and those issues where there is more left to be gained), and to understand/envisage the most appropriate solutions (historically and culturally speaking) to issues still open in the 21st century.
Course content: <ol style="list-style-type: none"> 1. Gender roles and relations and the legal position of women in the Antiquity. 2. Gender roles and relations and the legal position of women in the Middle Ages. 3. Changes in the Modern era; new perceptions of gender roles in modern legal systems; socio-economic factors of impact towards the emancipatory tendencies in Modernity. 4. History and achievements of the suffragette and feminist movements, the process of emancipation, education of women and the fight for equal rights; women's entry into the legal profession. 5. Role of religions in reproducing the patriarchal matrix in law; gender roles and relations as viewed through a religious lens; (in)compatibility of traditional religious values and gender equality? 6. Gender relations in contemporary legal history: recent achievements, remaining problems, new challenges. <p>While the main focus of the course will be on the European, Anglo-Saxon and Near Eastern legal systems, with the more 'exotic' systems like those of the Far East (China, Japan, India), African or South American mentioned only briefly, they will also be taken into consideration – as optional topics of essays, seminar papers, workshops, additional optional courses etc.</p>
Literature: <i>Note:</i> this list contains secondary sources (i.e. scholarly literature) dealing with the subject of the course; teachers may also provide books or excerpts containing primary sources (historical legal documents) for the purposes of illustration, case studies, research papers etc. An extended and regularly updated list of sources relevant for the subject (including those in languages other than

English) can be found on the LAWGEM webpage. Students are not obliged to use it, but are encouraged to consult it when writing papers, conducting research, etc.

Required reading:

1. M. Stol, *Women in the Ancient Near East*, Walter de Gruyter inc., Boston/Berlin 2016, OR J. Evans Grubs, *Women and the Law in the Roman Empire*, Routledge, London/New York 2002, OR E. Meier Tetlow, *Women, Crime and Punishment in Ancient Law and Society*, vol. I - II, Continuum, New York 2005 (according to the student's preferences).
2. J. Bennett, R. Karras (eds.) *The Oxford Handbook of Women and Gender in Medieval Europe*, Oxford University Press 2013.
3. S. L. Kimble, M. Röwekamp (eds.), *New Perspectives on European Women's Legal History*, Routledge 2017.
4. K. Cowman, N. J. Koefoed, Å. Karlsson Sjögren (eds.), *Gender in Urban Europe: Sites of Political Activity and Citizenship, 1750-1900*, Routledge 2018.
5. M. J. Mossman, *The First Women Lawyers – A Comparative Study of Gender, Law and the Legal Professions*, Hart Publishing 2006.

Additional reading:

1. D. M. Schaps, *Economic rights of women in ancient Greece*, Edinburgh University Press, 1979.
2. S. Treggiari, *Roman Marriage: Iusti Coniuges from the Time of Cicero to the Time of Ulpian*, Clarendon Press 1991.
3. C. Graves-Brown, *Dancing for Hathor: Women in Ancient Egypt*, Continuum 2010.
4. I. Peled, *Law and Gender in the Ancient Near East and the Hebrew Bible*, London, Routledge, 2019.
5. A. E. Laiou (ed.), *Consent and Coercion to Sex and Marriage in Ancient and Medieval Societies*, Dumbarton Oaks 1993.
6. J. A. Brundage, *Law, Sex, and Christian Society in Medieval Europe*, The University of Chicago Press, 1987.
7. C. Ekholst, *A Punishment for Each Criminal: Gender and Crime in Swedish Medieval Law*, Brill 2014.
8. N. J. Menuge (ed.), *Medieval Women and the Law*, Boydell 2003.
9. M. Murray, *The Law of the Father?: Patriarchy in the transition from feudalism to capitalism*, Routledge 1995.
10. S. M. St. Pierre, *The struggle to serve: The ordination of women in the Roman Catholic Church*, McFarland & Co, 2011.
11. M. Migliorino Miller, *The authority of women in the Catholic Church*, Emmaus road, 2015
12. J. G. Sperling and Sh. Kelly Wray (eds.), *Across the Religious Divide: Women, Property, and Law in the Wider Mediterranean (ca. 1300-1800)*, Routledge 2009.
13. M. Arnot and C. Osborne (eds.), *Gender and Crime in Modern Europe (Women's and Gender History)*, UCL Press 1999.
14. G. Walker, *Crime, gender, and social order in early modern England*, Cambridge University Press 2003.
15. E. Kingston-Mann, *Women, Land Rights and Rural Development: How Much Land Does a Woman Need?*, Routledge 2018.
16. J. Spence, S. J. Aiston and M. M. Meikle (eds.), *Women, education, and agency, 1600-2000*, Routledge 2010.
17. S. Meder and C.E. Mecke (eds.), *Family Law in Early Women's Rights Debates*, Cologne 2013.
18. M. Bosworth, J. Flavin (eds.), *Race, Gender, and Punishment: From Colonialism to the War on Terror*, Rutgers University Press, 2007.
19. Failing, Marie A., Elizabeth R. Schiltz and Susan J. Stabile (eds.), *Feminism, Law, and Religion*, Ashgate 2013.

20. T. A. Thomas and T. J. Boisseau (eds.), *Feminist Legal History: Essays on Women and Law*, NYU Press 2011.

Instruction methods:

The teaching methods consist of lectures and practical classes. The students are expected to be active and to interact with the teacher and other students during both lectures and practical classes, to ask questions and comment on the work at hand. A comparative approach will be used. An interactive pedagogic approach will be axiomatic. Content will be comprehensive and multidimensional, and as attractive as possible for both domestic and foreign students. Every student is expected to write a paper related to any of the course subjects during the teaching semester. This will present an opportunity for students to express their interest in particular topics by presenting their research papers and participating in open discussions about them with the other students. Brief research assignments (short presentations) and debates on particular topics will be used as well, in order to complement the subjects of lectures. A casestudy method will also be employed, both in the form of analyses of actual relevant historical cases, and of solving example (fictional) cases presented by the teachers, in order to gain a better understanding of the law in practice.

Number of classes of active lectures: **Theoretical classes: 30** **Practical classes: 15**

Evaluation of knowledge (maximum number of points: 100)

Pre-exam obligations	Points	Final exam	Points
Activities during lectures and practical work	40	Written exam	
Seminar paper	20	Oral exam	40