

Equality: Social, Economic, Political and Legal Perspectives of the European Union

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Learning Outcomes and Skills

- Understanding the relevance of equality for EU economic, social, political and legal integration
- An exemplary introduction to the interplay of different disciplinary perspectives on EU integration
- A detailed introduction to politics of equality in the EU
- An introduction to the role of legal mobilisation for EU equality law and policy
- Intense engagement with one of the following subtopics (assessment)
 - EU equality law and policy – two sides of the same coin?
 - Intersectionality and gender equality in the EU
 - EU equality law and the disintegration of the EU
 - EU equality law and EU citizenship
 - Individual discrimination grounds and intersectionality
 - Mainstreaming and gender governance in the EU
 - Racism and the European Union – the challenge of immigration policy
 - Racism and discrimination of EU citizens abroad – challenges for EU law and policy

Audience

Students from law, sociology, political science, economics, at level 3 (third year of undergraduate studies) or postgraduate level

Teaching style and module plan

This module is taught discursively (“Seminar”), and should be progressively more student led. The seminar is taught fortnightly with 4 hour sessions. The first two or three sessions will serve as an introduction, which is mainly lecturer led. These cover the following themes

- Equality in EU law and Policy – between the Internal Market, Human rights and Social Policy
- How is EU equality law and Policy developed? The interplay of legislation, Treaty law and Adjudication
- Social actors in EU equality law and Policy
- New challenges for EU equality law and policy: intersectionality, discrimination of EU citizens, fear of migration and mobility

Depending on student numbers, we will start with sessions in which student presentations are mixed with lecturer led input in the 4th or 5th session. One session will be dedicated to discussing approaches to writing and presentation, working in sub group settings.

Presentations will be grouped into 4 overarching themes (see also below)

- EU equality law and policy, religious diversity and intersectionality

- EU citizens' mobility, discrimination and racism
- Judicial campaigning, adjudication, civil society actors and the progress of EU equality law
- EU equality law in an age of the EU's disintegration

These periods consist of a mix of student presentation and lecturer led introductions and commentaries. In an ideal world, an electronic learning environment allows posting of draft papers for peer comment.

The teaching style means that the participation number should be limited to a maximum of 30.

The seminar sessions could be 3 * 45 minutes or 90 minutes

Assessment

Assessment [Seminararbeit] is by essay (up to 6000 words) and presentation, both in English. A number of themes for LLB dissertations (Bachelorarbeiten) are available. Preferably these should be written in English, but students may opt for German as well. Presentation of work in progress in the framework of the seminar gives students an opportunity to receive early feedback. Presentation is in English.

Indicative reading list

Anagnostou, Dia & Millns, Susan 'Gender Equality, Legal Mobilization, and Feminism in a Multilevel European System' (2013) *Canadian Journal of Law and Society* 28 (2) 115-131

Anagnostou, Dia (ed) *Rights and Courts in Pursuit of Social Change*, Hart Publishing 2014

Bell, Mark, *Racism and Equality in the European Union*, Oxford University Press 2008

Beveridge, Fiona & Velluti (eds), Samantha, *Gender and the Open Method of Coordination*, Ashgate 2008

Case, Rhonda Evans; Givens, Terri; Re-engineering Legal Opportunity Structures in the European Union? The Starting Line Group and the Politics of the Racial Equality Directive (2010) *Journal of Common Market Studies* 48 (2) 221-241

Conant, Lisa; Hofmann, Andreas; Soennecken, Dagmar; Vanhala, Lisa 'Mobilizing European law' (2017) *Journal of European Public Policy* (DOI10.1080/13501763.2017.1329846)

Croon-Gestefeld, Johanna *Reconceptualising European Equality Law*, Hart Publishing 2017

Farkas, Lilla (2017) The meaning of racial or ethnic origin in EU law: between stereotype and identity, Brussels: European Commission (<https://www.equalitylaw.eu/downloads/4030-the-meaning-of-racial-or-ethnic-origin-in-eu-law-between-stereotypes-and-identities>)

Fredman, Sandra *Intersectional Discrimination in EU Gender Equality and Non-Discrimination*, Brussels EU Commission 2016

Fredman, Sandra, *Discrimination Law*, 2nd edition 2011

Geddes, Andrew 'Britain, France, and EU anti-discrimination policy: The emergence of an EU policy paradigm' (2004) *West European Politics*,

Hancock, Ange-Marie *Intersectionality. An Intellectual History*, Oxford University Press 2016

Howard, Erica, *Law and the Wearing of Religious Symbols*, Routledge 2012

Jacquot, Sophie & Vitale, Tommasio 'Law as weapon of the weak? A comparative analysis of legal mobilization by Roma and women's groups at the European level' (2014) *Journal of European Public Policy* 21(4) 587-604

Jacquot, Sophie (2010) 'The Paradox of Gender Mainstreaming: Unanticipated Effects of New Modes of Governance in the Gender Equality Domain' *West European Politics* 33 (1) 118-135

Johns, Michael, *The New Minorities of Europe Social Cohesion in the European Union*, Lexington Books 2014

Khaitan, Tarunabh *A Theory of Discrimination Law*, OUP 2015

Krizsan, Andrea et al (eds) *Institutionalizing Intersectionality*, Palgrave MacMillan 2012

McColgan, Aileen, *Equality, Discrimination and the Law*, Bloomsbury 2014

Morano-Foadi, Sonia; Malena, Micaela (eds) *Integration for Third Country Nationals in Europe*, Edward Elgar 2012

Mulder, Jule *EU Non-Discrimination in the Courts*, 2017

- Sargeant, Malcolm (ed). *Age Discrimination and Diversity*, Cambridge University Press 2011
- Schiek, Dagmar & Chege, Victoria (eds) *European Union Non-Discrimination Law: Comparative Perspectives On Multidimensional Equality Law*, Routledge 2009
- Schiek, Dagmar & Lawson, Anna (eds) *European Union Discrimination Law and Intersectionality*, Ashgate 2011
- Schiek, Dagmar 'Intersectionality and the Notion of Disability in EU discrimination law' (2016) *Common Market Law Review* 53 (1) 35-63
- Schiek, Dagmar 'Revisiting Intersectionality for EU Anti-Discrimination Law in an Economic Crisis –a Critical Legal Studies Perspective' (2016) *Sociologia del Diritto* (2) 23-44
- Schiek, Dagmar *EU Anti-Discrimination Law – A critical appraisal*, Edward Elgar (projected for 2018 or 2019, students will be able to access content via secure [!!!] e-learning portal)
- Schiek, Dagmar; Waddington, Lisa; Bell, Mark (eds) *IUS COMMUNE Casebook EU Non Discrimination Law*, Hart Publishing 2007
- Solanke, Iyiola, *Discrimination as Stigma*, Bloomsbury, 2017
- Sümer, Sevil, *European Gender Regimes and Policies* Ashgate 2009
- Verloo, Mieke 'Multiple Inequalities, Intersectionality and the European Union' (2006) *European Journal of Womens' Studies* 13 (3)
- Vieten, Ulrike, *Gender and Cosmopolitanisms in Europe. A Feminist Perspective*, Routledge 2016
- Walby, Sylvia 'The European Union and gender equality: Emergent varieties of gender regime' (2004) *Social Politics: International Studies in Gender, State & Society*, 11 (1), 4–29
- Zoetewij-Turhan, Margarite (2017) 'The Seasonal Workers Directive – but some are more equal than others' *European Labour Law Journal* 8(1) 28–44

List of essay themes (“Seminararbeiten”)

Students are also encouraged to propose their own themes. The themes are grouped in line with the main thematic blocs mentioned above

- EU equality law and policy, religious diversity and intersectionality
 - Religious discrimination by Churches – critical appraisal of recent case law by the ECJ
 - Intersectionality and EU anti-discrimination policy
 - The Court of Justice (EU) – Headscarves as a reason to dismiss women?
- EU citizens’ mobility, discrimination and racism
 - Discrimination against EU citizens in other Member States – EU anti-discrimination law as an additional instrument?
 - Afrophobia in the EU – is there a need for further legislation?
 - Talking about “race” – what is the notion of race in EU anti-discrimination law?
 - Gender equality as a governance problem – is “soft law” superior?
- Judicial campaigning, adjudication, civil society actors and the progress of EU equality law
 - Mobilising through law – opportunities and pitfalls of EU anti-discrimination law
 - EU Anti-Discrimination Law enforcement in Germany and Poland – comparison
- EU equality law in an age of the EU’s disintegration
 - Migration and “Brexit” – should anti-discrimination law adapt