

(“Vorlesung”) European Union Anti-Discrimination Law in Context

Learning Outcomes and Skills

- To acquire an understanding (in overview) of aims of anti-discrimination clauses in Treaties and legislation, and how they interact with the European Union’s integration programme
- To comprehend the difference between bans of discrimination in competition law, internal market law and provisions aimed at overcoming discrimination by ascription in economy and society (anti-discrimination law in the narrow sense)
- To have an overview of the development of EU anti-discrimination legislation and case law in its societal and economic context
- To acquire in-depth knowledge of the content of EU anti-discrimination law in the narrow sense, relating to case law and legislation
- To have an understanding of problems as yet unresolved by EU anti-discrimination law
- To have an overview of study skills and research strategies necessary for engaging with the interdisciplinary dimension of the field
- To improve abilities of using English language adequate to the field

Level, requirements

Students on law degrees, basic understanding of EU law (EU institutions, effects of EU law)

Teaching style

This module is taught in a traditional, lecturer centred style (“Vorlesung”), while interactive elements are secured in class as well as through the on-line environment (successively more difficult tasks for self-assessment and small group work [voluntary] are made available)

Teaching programme

- Introducing & analysing bans of discrimination in primary EU law
 - Internal Market Law
 - EU Citizenship
 - Competition Law
 - Equal Pay Clause
- Introducing the purpose of anti-discrimination law in the narrow sense
 - Discrimination by ascription – socio-economic context
 - International law and discrimination by ascription
 - Basic introduction to comparative anti-discrimination law (with a focus on EU Member States)
- The European Union and anti-discrimination law: political and socio-economic context
 - Why did EU anti-discrimination law emerge?
 - How did the legislation develop?
 - What are the main socio-economic issues today?
- EU anti-discrimination law – the origins in combating sex discrimination
 - From equal pay to equal treatment
 - From merely economic to human rights principles
- EU anti-discrimination legislation in the 2000s
 - From race discrimination to the “umbrella directive”

- Did sex equality law ever catch up?
- The specific role of disability discrimination
- Current challenges for EU anti-discrimination law
 - Intersectional discrimination
 - On uses and abuses of intersectionality before the European Court of Justice
 - The debate on further legislation
 - Hierarchies of anti-discrimination
 - EU anti-discrimination law and hostility against EU citizens that move to other Member States

Assessment

Assessment should be by a 3 hour open book exam, during which students answer one essay type and one problem question.

Suggested reading

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

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

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

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

Schiek, Dagmar & Lawson, Anna (eds) *European Union Discrimination Law and Intersectionality*, Ashgate 2011

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