Gender & Law
Course Syllabus
Class Schedule: W/F 4-5:30 PM

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Course Description

The course is an introductory course on feminist legal theory, tracing the roots of early feminist legal theory to the current and emerging multi-disciplinary explorations in post modern feminist legal theory as well as in relation to gender studies, queer theory state theory; to alternative conceptions of sexual morality and feminist ethical paradigms. Applications to both local/international engagements in law by women's movements are incorporated and shall be emphasized as cases for study/analysis.

Main References: Assigned readings shall mostly be academic and scholarly articles (mostly from law journals and books). References shall also be made to local laws, foreign laws and international conventions plus both local and international jurisprudence. Additional references may include news items and coverage of current issues in gender, sexuality and women’s rights. Readings shall be made available at the Reserved Section of the Law Library. Films shall also be viewed on selected class days for discussion. The highlighted titles are required readings under each heading and the additional readings are recommended readings. Additional readings and cases may be assigned during the term.

Requirements: Assigned comments shall be graded as part of class participation. There will be no mid-term examinations and no final exams. A 2500 word final paper/essay with footnotes/references at the end of the semester is required. The topic shall be subject to approval before the last day of dropping courses which is February 20. The break down for the computation of grades is as follows: (1) Attendance 15 %; (2) Class Participation (Recitation/Group Work) 35%; Final Paper (2500 word limit) 50 %

Structure

Part I. An Overview of Feminist Legal Theory (November 7-December 5)
   (1) Gender and Law Workshop
   (2) Situating Feminist Legal Theory

Part II. Women’s Human Rights (December 10-12)
   (1) Background: Feminist Engagements of Human Rights
   (2) Women’s Political Participation
   (3) Women’s Economic Empowerment
   (4) Reproductive Health

Part III. Gender & Sexuality (January 2-30)
   (1) Sexual Rights, Queer Theory and Politics
   (2) Sex and Gender in Family Law
   (3) State Regulation of Sexualities and Sexual identities

Part IV. Critiques of Liberal Feminism (February 4-27)
   (1) The Limits of Liberal Feminism
   (2) Feminist Legal Methods

Part V. Integration Period: Focus on Selected Issues (March 4-20)
   (1) Migration and Trafficking Debates
   (2) Sex Work and Sexual Exploitation Debates
      a. Violence Against Women
      b. Pornography
      c. Prostitution
   (3) Gay Marriage
Part I. An Overview of Feminist Legal Theory (November 28-December 3)

(1) Gender and Law Workshop (Basic Concepts: Gender, Feminism, Legal Theory)

Socio-biological Theories of Sex and Gender


Rape: On Coercion and Consent, Chapter 9, *Feminism Unbound*, Catherine MacKinnon


Republic Act 8353 and 8505

Cases:

*People v Hernandez* GR 1333926, 6 August 2003
*People v Excija* GR 119069, 5 July 1996
*People v Campuhan* GR 129433, 30 March 2000

See also:


(2) Situating Feminist Legal Theory

A. What is Feminist Legal Theory a theory of?


See also:


B. Feminist Theory and the State


See also:


Cases:


Part II. Women’s Human Rights

References for this Section:

UN Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) 1987 Constitution, Sec. 12 & 14, Article II; Sec. 14, Article XIII

See also:


UN Convention on the Rights of the Child


(1) Background: Feminist Engagements of Human Rights

(2) Women’s Political Participation

RA 7941 (1995) Partylist Law

Women in Contemporary Philippine Local Politics, Proserpina D. Tapales Ph.D., Professor of Public Administration, University of the Philippines, Lecture delivered in the UCLA Center for Southeast Asian Studies Colloquium Series, October 11, 2005
http://repositories.cdlib.org/international/uclacseas/colloquium/Tapales/

See also:

Women’s Political Participation: Philippines (IDEA website)

Verta Taylor and Nancy Whittier, The New Feminist Movements, Readings in Feminist Theory, pp. 533-538

(3) Women’s Economic Empowerment


See also:


(4) Reproductive Health

HB 5043, Proposed Reproductive Health Bill (14th Congress), Rep. Edsel Lagman

Revised Penal Code, Articles 256-259 (Abortion)
Administrative Order No. 45(B) (2000) Department of Health

Rebecca Cook, Bernard Dickens and Mahmoud Fathalla, Reproductive Health and Human Rights, Oxford University Press (Oxford: 2003), Part I, pp. 3-31; Part I (5) pp. 95-144


See also:

Unintended Pregnancy and Induced Abortion in the Philippines: causes and Consequences, Guttmacher Institute (2005)

Sonia Corrêa, From Reproductive Health to Human Rights, Achievements and Future Challenges, Harvard School of Public Health

**Part III. Gender & Sexuality (January 2-30)**

(1) Sexual Rights & Queer Theory

*The Invention of Heterosexuality, Socialist Review Vol, 20 No. 1 (Jan-Feb 1990), Jonathan Ned Katz*

*Questions of Visibility, In Plainspeak, Issue No. 2, Oishik Sircar (2008)*

Cases:

*Hogan v. Ontario* (Minister of Health and Long-Term Care), [2006] HRTO 32

See also:


(2) Sex and Gender in Family Law

*Family Code of the Philippines* (1987); Psychological Incapacity, Article 36, FC; Republic Act 8533 (1998) in relation to Article 39; Article 54, FC; Supreme Court A. M. NO. 02-11-10-SC March 4, 2003

*Revised Penal Code of the Philippines*

Concluding Comments by the Committee on CEDAW, 2006, Par. no. 32 (On Divorce)

Cases:


*Guevara v Eala*, A.C. No. 7136, 1 August 2007

*Gualberto v Court of Appeals*, G.R. No. 156254. June 28, 2005

*Chi Ming Tsoi v Court of Appeals*, G.R. No. 119190. January 16, 1997

*Leonilo Antonio v Marie Yvonne F. Reyes*, GR 155800, 10 March 2006

See also:


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(3) State Regulation of Sexual Activity, Sexualities and Sexual identities


Cases:

*R v Brown* [1993] 2 All ER 75

Part IV. Critiques of Liberal Feminism (February 4-27)

(1) The Limits of Liberal Feminism


(2) Feminist Legal Methods

A. Legal Advocacy & Law Reform


See also:

John Pratt, *Sex Crime and the New Punitiveness*, Institute of Criminology, Victoria University, New Zealand (1999)

B. Litigation


*resource persons doing WHR/feminist litigation*
Part V. Integration Period: Focus on Selected Issues (March 4-20)

(1) Migration and Trafficking Debates


Trafficking in Women in Canada: A Critical Analysis of the Legal Framework Governing Immigrant Live-in Caregivers and Mail-Order Brides, Faculty of Law Université Laval Québec City, Quebec CIDA Langevin L. and Belleau M.C., 2000

(2) Victimization, Sex Work and Sexual Exploitation Debates

a. Violence Against Women


The Tragedy of Victimization Rhetoric: Resurrecting the “Native” Subject in International/Post-Colonial Feminist Legal Politics in Harvard Human Rights Journal, Ratna Kapur, Vol.15, Spring 2002

Case:

People v Genosa, G.R. No. 135981. January 15, 2004

b. Pornography


HB 3305 and SB 2464 (Anti-Pornography Bills in the 14th Congress)

Case:


See also:

Pornified and Female Chauvenist Pigs (The Book Club Discussion on Slate Magazine: 6 entries by Laura Kipnis, Wendy Shalit and Meghan O'Rourke) Available at:
http://www.slate.com/id/2126570/entry/2126575/
c. Prostitution

Revised Penal Code, Article 202 (Vagrancy & Prostitution)
Labor Code, Article 130 & 131; 138
ILO Paper on the Night Work (Women) Convention
RA 9208, Anti-Trafficking in Persons Act of 2003

Case:

Villavicencio v Lukban, G.R. No. L-14639, March 25, 1919

(3) Gay Marriage


Proposition No. 8, California (Constitutional Amendment eliminating the right of same sex couples to marry initiative)