**Equality Policy in Comparative Perspective**

*Central European University, Department of Public Policy*

2023/2024

Course instructors: Prof. Andrea Krizsan

Credit number: 2 (4 ECTS Credits)

Course level: M.A.

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**Brief overview**

The main aim of this course is to familiarize students with how the abstract legal principle of equality is turned into policy and practice in Europe and beyond. Starting from what equality means as legal principle and right in modern democratic systems, the course will move on to critically analyze policy approaches and policy tools used to put equality into practice and contestation around those. The course will look at equality ideas and interventions through the lens of various grounds of inequality: race and ethnicity, gender, and disability and devote special attention to the intersection between different inequality axes. The focus will be on domestic and international policy practices developed in the last decades and will reflect upon recent challenges to equality thinking. Students will be encouraged to bring in the discussion issues and cases from the policy environments with which they are most familiar and look into how equality policy practices can travel across countries and regions.

**Learning Outcomes:**

The course will sensitize students interested in issues of governance, politics, and public policy to challenges of social diversity, cleavages and distinctions that are pertinent to developed and new democracies and societies in transformations. Due to the nature of the topic, the course will invite students to develop their skills of critical thinking by understanding major political and policy debates that shape considerations on the principles of equality and social justice. The teaching method will ensure that students have to regularly synthesize different pieces of knowledge (discussion of the core readings), to critically evaluate the differences and overlaps of arguments, to translate theoretical notions of equality into policy practice, and to recognize theoretical relevance of policy debates. Students will also learn to work in groups, to do targeted inquiries into relevant policy processes (group work and term paper), and to develop their academic writing skills (reflection papers and term paper).

**Assignments and Assessment:**

*Class participation*

Students are expected to carefully consult the required readings each week prior to the classes, ideally by taking notes. The questions for discussion assigned to the sessions in the syllabus help students to engage with the readings and identify the main conceptual puzzles, arguments, and debates related to the topic of the session. Active participation in the seminar discussions is expected from all students. *Weight to the grade: 20%*

*Group work*

In sessions 6, 8, 10 and potentially 11, we do policy practice related group work and presentations. Students will explore cases of policy practice and change from around the globe. Small groups (2-3 students) will work together to research the assigned case. Findings will be presented to the larger group in 20 minutes, followed by 10 minutes groups discussion. Further guidance on methodology and resources will be given. Handouts or PPTs are to be submitted after the presentation. *Weight to the grade: 40%*

*Term paper*

Students will write individual term papers of 2,000-2,500 words. This can be based on their case study research or alternatively a list of recommended topics will be provided. Papers will have to rely to some extent on the literature assigned to the course. Additional references can be used from the recommended readings, the case study research and beyond. Deadline for submitting your abstract is October 31, 2022. The deadline for submitting the paper will be announced in due course during the term, adjusted to DPP exam schedules. *Weight to the grade: 40%*

All written assignments will be checked for plagiarism via Turnitin.

**Recording sessions - data protection**

Please, be informed: if for some reason the course needs to go online, sessions will be recorded by DPP and shared via Moodle where you and all other participants of the Equality Policy course can watch it until January 20, 2024. After that date the recordingswill be deleted. During the recording your image or voice might be recorded. DPP releases for internal use the recording of the sessions with no modifications.

**Topics and Readings**

**I. Introduction**

Readings and discussions will overview the theoretical foundations of the equality concept and their roots in social, legal, and political theory.

**1. First Week: Basic Concepts**

This class will discuss dilemmas around defining categories used in equality policy. Questions addressed will include: Should equality policy thinking be informed by individualist or group-based thinking? What are the specific groups whose members should be protected? What criteria define such groups and their members? Can we justify protection for traditional equality grounds such as ethnicity or gender, while neglecting poverty or class? In the second part of the class the basic equality policy conceptual framework used for the class will be introduced.

Readings

Sandra Fredman (2002) “The Scope of Discrimination Law: Grounds of Discrimination” in *Discrimination Law*. Oxford UP. Pp. 66-82

Sandra Fredman (2002) “Equality: Concepts and Controversies” in *Discrimination Law*. Oxford UP. Pp. 1-26

Recommended

Fredman, S. (2016). Substantive equality revisited. *International Journal of Constitutional Law*, 14(3), 712-738.

Iris Marion Young (1990) “Five faces of oppression” in Justice and the Politics of Difference. Pp. 39-66.

Owen Fiss (1976) “Groups and the Equal Protection Clause”, 5 Philosophy and Public Affairs 107.

Nancy Fraser (2003) “Rethinking Recognition: overcoming displacement and reification in cultural politics” in *Recognition Struggles and Social Movements: Contested Identities, Agency and Power*, edited by B. Hobson. Cambridge: Cambridge U.P.

**II. Visions of Equality**

This section of the class will discuss the three different general approaches to equality and the policy tools related to them. The three approaches are: equal treatment, positive action for disadvantaged groups and, third, transformation through mainstreaming equality.

**2. Second Week: Equal Treatment – Anti-discrimination**

This week’s class will discuss formal, procedural equality, and the principle of non-discrimination. Legal concepts of direct and indirect discrimination will also be introduced.  The discussion will be geared towards understanding how formal procedural approaches to inequality prove to be insufficient in addressing the deeply rooted social problem of inequality.

For discussion: What does equal treatment mean? Why do we need an anti-discrimination policy? What are the main strengths and weaknesses of the anti-discrimination approach?

Readings and other class material

Sandra Fredman (2002) “Legal concepts: Direct, Indirect Discrimination, and Beyond” in Discrimination Law. Oxford UP. Pp. 92-116

Pages 1-29 of Sandra Fredman (2013) Anti-discrimination laws and work in the developing world: A thematic overview. BACKGROUND PAPER FOR THE WORLD DEVELOPMENT REPORT 2013. <http://adapt.it/adapt-indice-a-z/wp-content/uploads/2015/01/wdr_anti-discrimination_laws_2013.pdf>

Recommended

James Goldston (2006) “Public Interest Litigation in Central and Eastern Europe: Roots, Prospects, and Challenges” Human Rights Quarterly. Vol 28, Number 2. pp. 492-527

EC Race Directive(43/2000/EC) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>

Paul Brest (1976)The Supreme Court 1975 Term. Forward: In Defense of the Anti-discrimination Principle, 90 Harvard Law Review1-55.

Andrew Koppelman (1996) “Process Based Theories” in Anti-discrimination Law and Social Equality. Yale University Press New Haven, London. Pp. 13-57

Martin MacEwen, ed. (1997) Anti-Discrimination Law Enforcement. A Comparative Perspective. Introductory chapter. Ashgate Aldershot. Pp.1-30.

Rikki Holtmaat (2007) Catalysts for change? Equality Bodies according to Directive

2000/43/EC <http://www.migpolgroup.com/publications_detail.php?id=159>

Aron Buzogany (2012) Swimming Against the Tide: Anti-Discrimination Advocacy in Central and Eastern Europe. In Lombardo and Forest (eds.) The Europeanization of Gender Equality Policies. A Discursive‑Sociological Approach. Basingstoke: Palgrave MacMillan.

O’Cinneide, C. (2013). Completing the picture: The complex relationship between EU anti-discrimination law and ‘Social Europe’. In N. Countouris & M. Freedland (Eds.), Resocialising Europe in a Time of Crisis (pp. 118-137). Cambridge: Cambridge University Press.

UN and the Rule of Law. Equality and Non-discrimination thematic website resources:

<https://www.un.org/ruleoflaw/thematic-areas/human-rights/equality-and-non-discrimination/>

1. **Third week: Positive Action and Equal Opportunities**

Advanced understandings of discrimination will be introduced such as indirect discrimination and institutional discrimination. The concept of equal opportunities will be discussed along with different forms of positive action and preferential treatment. The class will also discuss affirmative action programs, and debates revolving around them. The distinction between process based and result based approaches will be addressed. Fields to consider: higher education, politics, company boards, employment.

Questions for discussion: What are the arguments that support positive action? What are the main criticisms that can be formulated? What are the different forms and instruments of positive action? Do these differ across various policy fields?

Readings and other class material

Ronald Dworkin (2005) “Affirmative Action: Does It Work?” and “Affirmative Action: Is It Fair?” in *Sovereign Virtue. The Theory and Practice of Equality.* Harvard UP. Pp.386-427

Recommended:

Jo Armstrong, Walby, Sylvia (2012) Gender quotas in management boards. <http://www.europarl.europa.eu/document/activities/cont/201202/20120216ATT38420/20120216ATT38420EN.pdf>

Sandra Fredman (2002) “Beyond Indirect Discrimination” and “Symmetry and Substance: Reverse Discrimination” in *Discrimination Law*. Oxford UP. Pp. 121-160

Christopher McCrudden (1982) “Institutional Discrimination”, *Oxford Journal of Legal Studies*, Vol. 2, No. 3. Pp. 303-367.

Colm O’Cinneide (2006) ‘Positive Action and the Limits of the Law’ in Maastricht Journal of European and Comparative Law. Vol. 13/3. Pp. 351-365.

Andrew Koppelman (1996) “Result-based Theories” Antidiscrimination Law and Social Equality. Yale University Press New Haven, London. Pp. 57-115

Thomas Nagel (1977) “Introduction” in Cohen, Nagel, Scanlon eds.  *Equality and Preferential Treatment.* Princeton UP. Princeton, New Jersey. Pp. VII-XIV.

Jones, Hardy (1977) On the Justifiability of Reverse Discrimination. In Barry Gross ed. *Reverse Discrimination*. Buffalo: Prometheus Books: 349-357.

Thomas Sowell (2004): The Past in the Future. In *Affirmative Action Round the World*. Yale University Press: 166-198.

European Commission (2009) [International perspectives on positive action measures - A comparative analysis in the European Union, Canada, the United States and South Africa](http://ec.europa.eu/social/BlobServlet?docId=2745&langId=en) (selected parts: chapter 2-3)

European Parliament (2012) Gender Quotas in Management Boards. Brüssels. <http://www.europarl.europa.eu/studies>

1. **Fourth Week: Mainstreaming equality**

This week the concept of mainstreaming equality will be discussed. Mainstreaming is the most novel approach to equality, which purports to transgress both the logic of the equal treatment and of the positive action approach, by suggesting a thorough cultural transformation of the society. Discussion in the class will address dilemmas and tensions rising from putting mainstreaming into practice.

To be discussed: What can be lost and gained by applying the tool of mainstreaming compared to targeted (positive) actions? Do mainstreaming interventions make equal treatment and positive actions unnecessary? Explain/justify the response.

Readings

Teresa Rees (1998) Mainstreaming Equality in the European Union: Education, Training and Labour Market Policies, London: Routledge, Chapter 3 “Conceptualizing Equal Opportunities” (p.26-49)

Recommended

Sylvia Walby (2005) “Gender Mainstreaming: Productive Tensions in Theory and Practice” Social Politics: International Studies in Gender, State and Society. Volume 12, Number 3, Fall, pp. 321-34

Booth, C. and Bennett, C. (2002). Gender mainstreaming in the European Union: towards a new conception and practice of equal opportunities? European Journal of Women's Studies, 9(4), 430-446.

Council of Europe “Gender mainstreaming. Conceptual framework, methodology and presentation of good practices.” Final report of Activities of the Group of Specialists on Mainstreaming (EG-S-MS). Strasbourg, May 1998

Fiona Beveridge, Sue Nott & Kylie Stephen (2000): Mainstreaming and the engendering of policy-making: a means to an end? *Journal of European Public Policy*, 7:3, 385-405

Mark A. Pollack & Emilie Hafner-Burton (2000): Mainstreaming gender in the European Union, *Journal of European Public Policy*, 7:3, 432-456

Sonia Mazey (2002) Gender Mainstreaming Strategies in the EU: Delivering on an agenda? *Feminist Legal Studies*. 10:227-240

Mieke Verloo (2005). Displacement and Empowerment: Reflections on the Concept and Practice of the Council of Europe Approach to Gender Mainstreaming and Gender Equality. *Social Politics*, *12*(3), 344-365.

Laurel Weldon (2002) “Beyond Bodies: Institutional Sources of Representation for Women in Democratic Policy-Making” *The Journal of Politics*. Vol.64, No.4, pp.1153-1174

Alison Woodward (2004) “Building Velvet Triangles: Gender and Informal Governance.” in *Informal Governance and the European Union* edited by Simona Piattoni and Thomas Christiansen, London: Edward Elgar. Pp. 76-93

Jo Shaw (2005) ‘Mainstreaming Equality and Diversity in the European Union'. *Current Legal Problems*. Vol 58: 255-312

Elisabeth Prugl (2011) Diversity Management and Gender Mainstreaming as Technologies of Government. Politics & Gender, 7 (2011), 71–89.

Carol Bacchi and Joan Evelin eds. (2010) Mainstreaming Politics. Gendering Practices and Feminist Theory. <https://www.adelaide.edu.au/press/titles/mainstreaming>

Sheila Quinn (2017) [Gender budgeting in Europe. What can we learn from good practice?](https://sciendo.com/article/10.1515/admin-2017-0026)  https://sciendo.com/article/10.1515/admin-2017-0026

**III. Specific grounds of equality**

Having discussed the more general approaches to equality, the course will turn to examine the specifics of the different grounds of inequality. The main question addressed in this part of the course will be: Can different inequality grounds be handled together theoretically and by policy? Are there any specifics of the different inequality grounds that merit special attention? Should the holders of multiple intersecting inequalities be treated as worth of specific consideration?

1. **Week five: Gender Equality**

We will specifically discuss how gender inequality is different from racial inequality and what constitutes its specificity, if anything. The main issues to be discussed will revolve around the concepts of sameness and difference and how these construct the understanding of gender inequality. We will address the problem of inequality in the private – family –sphere and how it impacts on gender inequality and we will discuss the issue of sexual violence as another issue that is particularly relevant if gender inequality and discrimination is to be understood.  Discussion should also touch on whether sexual harassment is specific to gender equality or whether harassment cuts across all equality grounds.

Questions for discussion:

How gender as a policy category differs from race? Think about boundaries between the public and the private (e.g. care, violence, etc.). Think about violence as an inequality mechanism! How can we operationalize gender? Are modes and fields of intervention into gender inequality specific? In what ways?

Readings and other class material

Htun, Mala and Weldon, Laurel (2018) "Introduction. States and Gender Justice" in *The Logics of Gender Justice. State Action on Women's Rights Around the World. CUP.  1-27*

Sandra Fredman and Erika Szyszczak (1992) “The Interaction of Race and Gender” in *Discrimination and the Limits of the Law* edited by Bob Hepple and Erika Szyszczak. Mansell Publishing, London. Pp. 214-227

Recommended
Emanuela Lombardo, Petra Meier & Mieke Verloo (2017) Policymaking from a Gender+ Equality Perspective, Journal of Women, Politics & Policy, 38:1, 1-19, DOI: 10.1080/1554477X.2016.1198206

Mieke Verloo (2006) Multiple Inequalities, Intersectionality and the European Union. *European Journal of Women Studies*. Vol. 13(3):211-228

Catherine MacKinnon “Equality Remade: Violence against Women” in Are Women Human? Harvard UP.2006. Pp. 105-111

Nancy Fraser (1994) After the Family Wage. Gender Equity and the Welfare State. Political Theory, Vol. 22. No.4: 591-618.

Kimberly Morgan & Kathrin Zippel (2003) “Paid to Care: The Origins and Effects of Care Leave Policies in Western Europe” in Social Politics 10/1. Pp. 49-85

Dobash & Dobash (1992) Women, Violence and Social Change Chapter 4: The State, Public Policy and Social Change. Routledge. Pp. 99-145

Diane Sainsbury (2009) “Gendering the welfare state” in Politics, Gender and Concepts eds. Goertz and Mazur. CUP. Pp. 94-114

Jane Manslow Cohen (1994) “Private Violence and Public Obligation: The Fulcrum of Reason.” In The Public Nature of Private Violence eds Finneman & Mykitiuk. Routledge. Pp. 349-383

Stetson DE and Mazur A (1995). Comparative State Feminism. Introductory chapter.

Joyce Outshoorn and Johanna Kantola (2007) “Introduction” and “Conclusions” in  Outshoorn and Kantola eds. Changing State Feminism. Palgrave Macmillan.

Carol Bacchi (2006) “Arguing for and Against Quotas” in Women, Quotas and Politics ed. Drude Dahlerup. Routledge.

Susanne Zwingel (2005) From intergovernmental negotiations to (sub)national change. A transnational perspective on the impact of CEDAW. International Feminist Journal of Politics 7:3, 400-424.

Charlotte Bretherton (2001) “Gender mainstreaming and EU enlargement: swimming against the tide?” Journal of European Public Policy 8:1 February: 60–81

M. Keck and K. Sikkink (1998) “Transnational networks on violence against women.” In *Activists Beyond Borders*. Cornell University Press.Pp.165-199

Elizabeth M Schneider (1994) The Violence of Privacy. In Martha Finneman and Roxanne Mykitiuk*The Public Nature of Private Violence*. 36-59

1. **Gender Equality - Policy Practice**
2. Netherlands – story of mainstreaming

Roggeband, Conny and Verloo, Mieke (2006) Evaluating gender impact assessment in the Netherlands (1994-2004): A political process approach. [*Policy & Politics*](https://www.researchgate.net/journal/Policy-Politics-1470-8442) 34(4):615-632. DOI:[10.1332/030557306778553097](http://dx.doi.org/10.1332/030557306778553097%22%20/t%20%22_blank)

1. Argentina – abortion success

Daby, M., & Moseley, M. (2022). Feminist Mobilization and the Abortion Debate in Latin America: Lessons from Argentina. *Politics & Gender*, 18(2), 359-393. doi:10.1017/S1743923X20000197

1. Poland – recent opposition to gender and policy impacts

Graff, A. & Korolczuk, E. (2017) “Worse than Communism and Nazism Put Together”: War on Gender in Poland” in Kuhar, R. & Patternote, D. eds. *Anti-Gender Campaigns in Europe. Mobilizing against Equality.* Rowman

Other recommended readings:

Council of Europe Istanbul Convention <https://rm.coe.int/168008482e>

Agnieszka Graff, Ratna Kapur, and Suzanna Danuta Walters (2019) Introduction: Gender and the Rise of the Global Right *Signs: Journal of Women in Culture and Society* 44(3):541-560

Krizsan A, Roggeband C. (2018) [Towards a Conceptual Framework for Struggles over Democracy in Backsliding States: Gender Equality Policy in Central Eastern Europe.](https://www.cogitatiopress.com/politicsandgovernance/article/view/1414/1414) *Politics and Governance.* 6(3):90-100.

[The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)](http://www.un.org/womenwatch/daw/cedaw/cedaw.htm), and important general recommendations and optional protocol. <http://www.un.org/womenwatch/daw/cedaw/>

C189 - Domestic Workers Convention, 2011 (No. 189) Convention concerning decent work for domestic workers (Entry into force: 05 Sep 2013) <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189>

Krizsan, Andrea, ed. 2015. Mobilizing for Policy Change. Women’s Movements in Central and Eastern European Domestic Violence Policy Struggles. Budapest: CPS Books CEU. <https://cps.ceu.edu/publications/books/mobilizing-for-policy-change>

Krizsan, Andrea and Roggeband, Conny. 2019. *Gendering Democratic Backsliding in Central and Eastern Europe. A comparative agenda.*Budapest: CPS Books

Jacquot, Sophie and Tommaso Vitale 2014. Law as a weapon of the weak? A comparative analysis of legal mobilization by Roma and women’s groups at the European level. Journal of European Public Policy, 21:4:587-604.

Juhasz B. and Papp E. (2018) Backlash in Gender Equality and Women’s and Girls’ Rights. European Parliament.

[http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604955/IPOL\_STU(2018)604955\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604955/IPOL_STU%282018%29604955_EN.pdf)

1. **Disability (possibly guest speaker)**

The main question to be answered this week is: how inequality on grounds of disability, a relative newcomer to equality policy, is different from the classical grounds of race and gender? We will look at the process of transforming a mainly medicalized, social welfare grounded approach to disadvantage caused by disability to a human rights approach. Along this wider policy shift, we will also discuss the concept most specific to disability discrimination, namely reasonable accommodation.

Questions for discussion:

Are the equality policy puzzles brought up by disability different from those connected to gender inequality? Is the category of disability meaningful as a unitary ground? Is reasonable accommodation connected to the right to be free from discrimination or it can rather be seen as a form of positive action? One group will argue for similarity with gender and ethnicity, the other for difference.

Reading

Sandra Fredman (2005) “Disability Equality: A Challenge to the Existing Anti-Discrimination Paradigm?” in Disability Rights in Europe: From Theory to Practice edited by A. Lawson and C. Gooding. Hart Publishing, Oxford. Pp. 199-218

Recommended

Degener T. (2017) A New Human Rights Model of Disability. In: Della Fina V., Cera R., Palmisano G. (eds) The United Nations Convention on the Rights of Persons with Disabilities. Springer, Cham

Lisa Waddington (2018) The Influence of the UN Convention on the Rights of Persons with Disabilities on EU Non-Discrimination Law. In Uladzislau Belavusau & Kristin Henrard (eds.), EU Anti-Discrimination Law Beyond Gender, Hart, 2018

Lisa Waddington (2001) “Evolving Disability Policies: From Social-Welfare to Human Rights. An International Trend from a European Perspective”, 19/2 NQHR

Lisa Waddington and Aart Hendriks (2002) “The Expanding Concept of Employment Discrimination in Europe: From Direct and Indirect Discrimination to Reasonable Accommodation Discrimination”, 18/3 IJCLLIR, p. 403

European Commission (2011) Compendium of good practice Supported Employment for people with disabilities in the EU and EFTA-EEA.

<http://ec.europa.eu/justice/discrimination/files/supported_employment_study.compendium_good_practice_en.pdf>

[Waddington L. and Lawson A. (2010) Disability and non-discrimination law in the European Union. An analysis of disability discrimination law within and beyond the employment field.](https://publications.europa.eu/en/publication-detail/-/publication/cf7bc8c8-2c84-46ff-83b5-202a6fb805a1)

Waddington, Lisa (1994) Legislating to Employ People with Disabilities: The European and American Way.

[Examined Life - Judith Butler & Sunaura Taylor 720p.avi](https://www.youtube.com/watch?v=k0HZaPkF6qE) <https://www.youtube.com/watch?v=k0HZaPkF6qE>

1. **Disability – policy practice**
2. Vietnam – disability policy developments

Wyndham, Caitlin (2019) Terms of Engagement: How social movements influence government policy in a one-party state. Doctoral thesis. CEU. Chapter 5: The Movement of the People with Disabilities in Vietnam.

<https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/131/phd-thesis-wyndham-2019.pdf>

1. Content, innovations, bottlenecks of UN Convention on the Rights of Persons with Disabilities.

[https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf](https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf%C2%A0%C2%A0%C2%A0)

1. Southeast Europe independent living case: Bulgarian

Mladenov, Teodor & Petri, Gabor (2019/07/23) Independent living in Central and Eastern Europe? The challenges of post-socialist deinstitutionalization <https://www.researchgate.net/publication/335039987_Independent_living_in_Central_and_Eastern_Europe_The_challenges_of_post-socialist_deinstitutionalization>

Other readings:

Accessibility and Development. Mainstreaming disability in the post-2015 development agenda. <http://www.un.org/disabilities/documents/accessibility_and_development.pdf>

Mainstreaming disability in development: Lessons from gender mainstreaming Carol Miller and Bill Albert March 2005.  <https://assets.publishing.service.gov.uk/media/57a08c5be5274a27b2001147/RedPov_gender.pdf>

EDF European Disability Forum (2014) “Report on the impact of the crisis on the rights of persons with disabilities”, available at: <http://www.edf-feph.org/economic-crisis>

Neil Crowther (2019) The right to live independently and to be included in the community in European States. ANED synthesis report. On behalf on the European network of academic experts in the field of disability (ANED) <https://www.disability-europe.net/theme/independent-living>

European Coalition for Community Living (2009) Focus on Article 19 of the UN Convention on the Rights of Persons with Disabilities FOCUS REPORT 2009  <http://community-living.info/wp-content/uploads/2014/02/ECCL-Focus-Report-2009-final-WEB.pdf>

1. **Ethnicity and Race (guest speaker: Violetta Zentai)**

Specifics of inequality on grounds of race or ethnicity will be discussed as structural forms of discrimination typical for this ground, such as segregation in different social fields, and minority rights, which constructs the concept of equality along the diversity of ethnic groups. Discussion of the two distinct issues will converge in a debate about the group of Roma; a specific group whose protection points both towards de-segregation policies as well as minority rights policies.

Questions for discussion: What is the better way to protect ethnic groups: minority rights or equality rights? Is this an either/or choice? What are the limitations of these two different approaches? Examples beyond the European context.

Readings

Bell, Marc (2008) ‘Race’, Ethnicity, and Racism in Europe. In *Racism and Equality in the European Union*. Oxford: Oxford University Press: 7-25.

Recommended

Kristin Henrard (2007) *Equal Rights versus Special Right? Minority Protection and the Prohibition of Discrimination*. European Commission. Parts I, II, V.

Jean-Michel Lafleur and Elsa Mescoli (2018) Creating Undocumented EU Migrants through Welfare: A Conceptualization of Undeserving and Precarious Citizenship. *Sociology* Vol. 52(3) 480–496.

Vera Messing & Bálint Ábel Bereményi (2017) Is ethnicity a meaningful category of employment policies for Roma? A comparative case study of Hungary and Spain, *Ethnic and Racial Studies*, 40:10, 1623-1642, DOI: [10.1080/01419870.2016.1213402](https://doi.org/10.1080/01419870.2016.1213402)

EU Framework for National Roma Integration Strategies up to 2020. <http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf>

Act LXXVII of 1993 on the Rights of National and Ethnic Minorities (Hungary) <http://www.minelres.lv/NationalLegislation/Hungary/Hungary_Minorities_English.htm>

Charles Taylor (1992) *Multiculturalism and the Politics of Recognition*, Princeton University Press.

Will Kymlicka (1995) “Freedom and Culture” in *Multicultural Citizenship*. Oxford UP pp. 75-106

European Parliament (2011) *Measures to promote the situation of Roma EU citizens in the European Union. A study.* <http://www.euromanet.eu/upload/77/37/EP_Roma.pdf>

Christopher McCrudden (2001) “International and European Norms Regarding National   Legal Remedies for Racial Equality” in *Discrimination and Human Rights. The Case of Racism* edited by Sandra Fredman. Oxford UP. Pp.251-307.

Greenberg, Jack. 2010. "Report on Roma Education Today: From Slavery to Segregation and Beyond." *Columbia Law Review* 110:919-1348.

Lilla Farkas (2017) *The meaning of racial or ethnic origin in EU law: between stereotypes and identities*. European Commission. Directorate-General for Justice and Consumers. <http://www.equalitylaw.eu/downloads/4030-the-meaning-of-racial-or-ethinic-origin-in-eu-law-between-stereotypes-and-identities>

1. **Ethnicity and Race – Policy Practice**
2. Case 1: Brazil – racial inclusion

Peria, Michelle, and Stanley R. Bailey (2014) “Remaking Racial Inclusion: Combining Race and Class in Brazil’s New Affirmative Action.” *Latin American and Caribbean Ethnic Studies* 9(2):156–76.

1. Case 2: Roma segregation

Lilla Farkas (2007) *Segregation of Roma Children in Education. Addressing Structural Discrimination through the Race Equality Directive*. European Commission. DG Employment, Social Affairs and Equal Opportunities.

<http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/seg07_en.pdf>

ECHR Cz Roma in special education case or other successful Roma segregation case

1. Case 3: Migrant integration policy in Australia

Wright, C. F., & Clibborn, S. (2020). A guest-worker state? The declining power and agency of migrant labour in Australia. *The Economic and Labour Relations Review*, *31*(1), 34-58 <https://journals.sagepub.com/doi/epub/10.1177/1035304619897670>

Recommended readings:

European Commission 2020. A Union of Equality: EU Roma strategic framework for equality, inclusion and participation. Brussels, 7.10.2020 COM(2020) 620 final  <https://ec.europa.eu/info/sites/info/files/union_of_equality_eu_roma_strategic_framework_for_equality_inclusion_and_participation_en.pdf>

ICERD shadow reporting mechanism: Submission by the Hungarian Helsinki Committee regarding the18th - 25th Periodic Reports of Hungary to the UN Committee on Elimination of Racial Discrimination at its 98th session  <https://www.helsinki.hu/wp-content/uploads/HHC-submission-to-CERD-2019.pdf>

Council of Europe Framework Convention for the Protection of National Minorities. <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c10cf>

EC Race Directive <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0043&from=en>

Plessy v Fergusson; Brown v Board of Education (see files for previous session)

Scholten, P., & Van Breugel, I. (2018). Introduction. In P. Scholten & I. Van Breugel (eds) Mainstreaming Integration Governance: New Trends in Migrant Integration Policies in Europe (pp. 3–22). Cham: Palgrave Macmillan.

Yanow, D., Van der Haar, M., & Völke, K. (2016). Troubled taxonomies and the calculating state: ‘Everyday’ categorizing and race-ethnicity’. The Netherland case. Journal of Race, Ethnicity, and Politics, 1(2), 187–226.

van Baar, Huub and Vermeersch, P. (2017) The Limits of Operational Representations: "Ways of Seeing Roma" beyond the Recognition-redistribution Paradigm. *Intersections*. EEJSP 3(4): 120-139.

1. **Sexual Orientation**

Questions for discussion:

How do the three equality approaches apply to sexual orientation? Equal treatment, positive action, mainstreaming? Give examples, think about examples? What is distinctive, specific about the sexual orientation ground? How does sexual orientation compare to other inequality grounds? Particularly to gender. And the other inequalities.

Case 1: Hungary

Takács, Judit (2018) "Limiting Queer Reproduction in Hungary," *Journal of International Women's Studies*: Vol. 20: Iss. 1, Article 6.
Available at: https://vc.bridgew.edu/jiws/vol20/iss1/6

Case 2: Malta

Mark Harwood (2015) Adopting Same-Sex Unions in Catholic Malta: Pointing the Finger at ‘Europe’, South European Society and Politics, 20:1, 113-131, DOI: [10.1080/13608746.2014.953350](https://doi.org/10.1080/13608746.2014.953350)

Mark Harwood. (2018) [How Euroscepticism was marginalised – Malta’s post-membership Euro-enthusiasm and the impact of BREXIT](https://www.tandfonline.com/doi/abs/10.1080/23745118.2017.1391515). *European Politics and Society* 19:2, pages 182-196.

Readings

[Union of Equality: LGBTIQ Equality Strategy 2020-2025](https://ec.europa.eu/info/sites/info/files/lgbtiq_strategy_2020-2025_en.pdf)

Javier Corrales (2019) The Expansion of LGBT Rights in Latin America and the Backlash. [*The Oxford Handbook of Global LGBT and Sexual Diversity Politics*](https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190673741.001.0001/oxfordhb-9780190673741-e-14?print=pdfhttps://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190673741.001.0001/oxfordhb-9780190673741) eds. M. J. Bosia, S. M. McEvoy, and M. Rahman

Anthony J. Langlois (2019) [Making LGBT Rights into Human Rights.](https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190673741.001.0001/oxfordhb-9780190673741-e-21) In [*The Oxford Handbook of Global LGBT and Sexual Diversity Politics*](https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190673741.001.0001/oxfordhb-9780190673741) eds M J Bosia, S. McEvoy and M Rahman

Recommended readings

Elijah Adiv Edelman (2019) Gender Identity and Transgender Rights in Global Perspective in [*The Oxford Handbook of Global LGBT and Sexual Diversity Politics*](https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190673741.001.0001/oxfordhb-9780190673741)*.* eds M J Bosia, S. McEvoy and M Rahman.

Ayoub P and Paternotte, D (2019) Europe and LGBT Rights: A Conflicted Relationship. In [*The Oxford Handbook of Global LGBT and Sexual Diversity Politics*](https://www.oxfordhandbooks.com/view/10.1093/oxfordhb/9780190673741.001.0001/oxfordhb-9780190673741)*.* Eds M J Bosia, S. McEvoy and M Rahman.

[Diane Richardson (2017) Rethinking Sexual Citizenship. Sociology. Vol. 51(2) 208–224](https://journals.sagepub.com/doi/pdf/10.1177/0038038515609024)

Mary Bernstein (2015) Same-Sex Marriage and the Future of the LGBT Movement: SWS Presidential Address. *Gender and Society* 29(3): 321-337.

Mary Bernstein (2002) “Identities and Politics: Toward a Historical Understanding of the Lesbian and Gay Movement” *Social Science History,* 26 (3):531-581

Richardson D.  (2000) Constructing sexual citizenship: Theorizing sexual rights. *Critical Social Policy* 20(1), 105-135.

Bernstein, M. (2011) “United States: Multi-Institutional Politics.” In M. Tremblay et al. *The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship*. Surrey: Ashgate, 197-211.

Gert Hekma and Jan Willem Duyvendak (2011) The Netherlands: depoliticization of homosexuality and homosexualization of politics. In M. Tremblay et al. *The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship*. Surrey: Ashgate.

Smith, M. (2011) “Canada: The Power of Institutions.” In M. Tremblay et al. *The Lesbian and Gay Movement and the State: Comparative Insights into a Transformed Relationship*. Surrey: Ashgate, 73-87.

Phillip M. Ayoub (2014) With Arms Wide Shut: Threat Perception, Norm Reception, and Mobilized Resistance to LGBT Rights, *Journal of Human Rights*, 13:3, 337-362.

Philip M. Ayoub (2015) Contested norms in new adopter states: International determinants of LGBT rights legislation. *European Journal of International Relations*. 21(2) 293–322.

1. **Intersectionality - Competing Inequalities**

Having seen the commonalities of equality policy on different grounds and then the specifics of each ground, this week we will move on to understand what happens if inequality grounds intersect: what are the consequences of intersectionality for categories and for group boundaries and how does the concept impact on policy answers? Both structural and political intersectionality will be discussed.

Questions for discussion: How can we operationalize intersectionality for policy purposes? Does talking about disadvantages of intersectional groups limit the efficiency of protection for the main status groups such as Roma, women or disabled? What are the best instruments for introducing intersectional thinking to policy making?

Readings

MariaCaterina La Barbera, Laura Cassain & Paloma Caravantes (2023) The discursive construction of intersectionality in public policy implementation, *Critical Discourse Studies* [ttps://doi.org/10.1080/17405904.2023.2228937](https://doi.org/10.1080/17405904.2023.2228937)

Sandra Fredman (2005) ‘Double trouble: Multiple discrimination and EU Law’, *European Anti-discrimination Law Review* 2: 13-19.

Recommended

Hankivsky, Olena and Renee Cormier. 2011. Intersectionality and Public Policy: Some Lessons from Existing Models. *Political Research Quarterly* 64(1) 217–229

Olena Hankivsky, Julia S. Jordan-Zachery (2019) Introduction: Bringing Intersectionality to Public Policy. *The Palgrave Handbook of Intersectionality in Public Policy* eds Olena Hankivsky and Julia S. Jordan-Zachery. Palgrave

Birte Siim; Skjeie, Hege (2008) Tracks, intersections and dead ends: state feminism and multicultural retreats in Denmark and Norway. *Ethnicities*, Vol. 8, No. 3: 322-344.

Marie Laperrière, Eléonore Lépinard (2016) Intersectionality as a tool for social movements: Strategies of inclusion and representation in the Québécois women’s movement. *Politics* 1–9

Éléonore Lépinard (2014) Doing Intersectionality: Repertoires of Feminist Practices in France and Canada. *Gender and Society*. 28(6): 877-903

Irvine, J., Lang, S., & Montoya, C. (2019). Introduction. In *Gendered mobilizations and intersectional challenges.* London and New York: ECPR Press and Rowman and Littlefield International.

European Commission (2007) Tackling Multiple Discrimination: Practices, policies and laws (23/11/2007)

Multiple Discrimination. Thematic issue. 2009 *Roma Rights. Journal of the European Roma Rights Center*. No. 2  <http://www.errc.org/cikk.php?cikk=3564>

Andrea Krizsan, Hege Skjeie, Judith Squires (2012) “European Equality Regimes: Institutional Change and Political Intersectionality” in Krizsan, Skjeie, Squires eds. *Institutionalizing Intersectionality*. Palgrave MacMillan.

Johanna Kantola, Kevat Nousiainen (2009) “Institutionalizing Intersectionality in Europe” in *International Feminist Journal of Politics* 11:4, 459-477

Jovanovic, Jelena, Angela Kocze and Lidia Balogh (2015), *Intersection of Gender, Etnicity, and Class: History and Future of the Romani Women’s Movement* (Working paper), Budapest: Friedrich-Ebert-Stiftung.

Leanna Lucero (2017) Safe spaces in online places: social media and LGBTQ youth, *Multicultural Education Review*, 9:2, 117-128, DOI: [10.1080/2005615X.2017.1313482](https://doi.org/10.1080/2005615X.2017.1313482)

Mengia Tschalaer (2020) Between queer liberalisms and Muslim masculinities: LGBTQI+ Muslim asylum assessment in Germany, *Ethnic and Racial Studies*. 43(7):1265-1283. DOI: [10.1080/01419870.2019.1640378](https://doi.org/10.1080/01419870.2019.1640378)

Kimberle Crenshaw (1989) Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics. *The University of Chicago Legal Forum.* 140:139-167

Kimberle Crenshaw**(**1991) Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color.  *Stanford Law Review*, 43(6): 1241-…

Ange-Marie Hancock (2007) ‘When Multiplication Doesn’t Equal Quick Addition: Examining Intersectionality as a Research Paradigm’, *Perspectives on Politics* 5 (1), 63-79.

Fiona Williams (2003) ‘Contesting “Race” and Gender in the European Union: A Multi-layered Recognition Struggle for Voice and Visibility’, In B Hobson*,*ed.*Recognition Struggles and Social Movements: Contested Identities, Agency and Power*, New York: CUP. Pp. 121-144