

Legal Studies 137 (LEGALST 137) - Comparative Equality Law
A Multi-University Legal Studies Course
3 units -- Fall 2022
Professor Lindsay Harris

[Note the odd times at which this course meets!]

Welcome

Welcome to Comparative Equality Law! I am looking forward to exploring this important subject with you over the course of the coming semester. I especially hope that the opportunity to interact with other students and colleagues from around the globe will be an exciting and valuable learning experience for you.

Description

Comparative Equality Law uses a problem-based comparative approach to examine how the law protects equality rights in different jurisdictions. The course will comparatively examine US, European, and other national, regional and international legal systems (including those of India, Brazil, Colombia, Canada and South Africa) and provide a global overview of legal protection from and legal responses to inequalities. The course covers 6 themes across 15 weeks:

1. Theories and sources of contemporary equality law;
2. Employment discrimination law (race, sex, age, disability, LGBTQI+);
3. Equality and religion (secularism, human rights and the legal rights of religious minorities);
4. Sexual harassment/violence;
5. Rights of persons with disabilities;
6. Affirmative action (race, caste, origin) positive action/gender parity.

Course structure

Comparative Equality Law is a **remote course** that meets twice a week **via Zoom**:

1. Section/Seminar – UC Berkeley Students Only

Tuesdays 9 am – 10 am Pacific Time (50 minutes) via Zoom

In this UC Berkeley discussion seminar, we will approach the topics covered in our syllabus from a US-oriented perspective, and we will aim to identify commonalities and differences with other systems of equality and anti-discrimination law.

2. Lecture – Multi-University Class; Students and Faculty from All Institutions

**Thursdays 8 am – 10 am PDT (and 7 a.m. – 9 a.m. when we move to PST) (2 hours)
(via Zoom)**

The Thursday class meets at **15:00 UTC** (Coordinated Universal Time) for **2 hours** on **Zoom**. In this class, we will be joined by students and faculty from all participating institutions around the globe and we will be examining the topics covered from a comparative perspective.

For most of the semester the Thursday class will start at 8:00 am in Berkeley, but when we move from “daylight savings time” (PDT) to “standard time” (PST) in November, 15:00 UTC becomes 7:00 am in Berkeley. Because the course includes students and faculty from at least eight time zones in North America, South America, Europe, Africa and Asia it is essential to set the course meeting time in Universal time instead of Pacific time. And, because most of our partner universities start their classes on the hour, **we will not use “Berkeley Time” for our Thursday class meetings.**

The format for the **Thursday classes** will be as follows:

- 5-minute welcome/introduction
- 15-minute lecture
- 15-minute discussion in breakout rooms (led by faculty), with all participants able to respond to the question(s)/participate in small-group discussions
- 20-minute plenary discussion
- 5-minute break
- 15-minute lecture
- 15-minute discussion in breakout rooms (led by faculty), with all participants able to respond to the question(s)/participate in small-group discussions
- 20-minute plenary discussion
- 10-minute wrap-up and look-ahead (usually by one of the lecturers for the following week’s class)

The breakout room discussions will focus on questions related to the day’s reading and lectures. The questions will be included in this syllabus or distributed in advance. Because much of the value of the course is to be gained from interacting with global colleagues, your participation is very important.

Syllabus

All participating Universities will share a common **universal syllabus**, which will be available on **bCourses** and will contain the essential and recommended readings and the breakout questions for our Thursday (multi-University) classes.

We will cover **1 topic each week**, with **common assigned readings** for both our Tuesday classes (UC Berkeley seminar) and Thursday (multi-University class) classes.

In the table below you will find the **topic** for each week's classes (common to Tuesday and Thursday). The particular **focus** of our **UC Berkeley seminar** (Tuesdays) will generally be given the week in advance.

Topics

Week	Date	Topic
1	Tue 23 Aug Thu 25 Aug	(No Tuesday Class This Week) Introduction to Comparative Equality Law and Equality Theory
2	Tue 30 Aug Thu 1 Sep	Theories of Equality
3	Tue 6 Sep Thu 8 Sep	Sources of Equality Law
4	Tue 13 Sep Thu 15 Sep	Employment discrimination I
5	Tue 20 Sep Thu 22 Sep	Employment discrimination II
6	Tue 27 Sep Thu 29 Sep	Employment discrimination III
7	Tue 4 Oct Thu 6 Oct	Equality and religion: Freedom of religion as a human right
8	Tue 11 Oct Thu 13 Oct	Equality and religion: Religious dress and religious symbols

9	Tue 18 Oct Thu 20 Oct	Equality and religion: Reproductive rights and the Church
10	Tue 25 Oct Thu 27 Oct	Rights of persons with disabilities
11	Tue 1 Nov Thu 3 Nov	Sexual harassment/violence
12	Tue 8 Nov Thu 10 Nov	Sexual harassment/violence
13	Tue 15 Nov Thu 17 Nov	Affirmative action/positive action I
14	Tue 22 Nov Thu 24 Nov*	Remedies and sanctions for discrimination
15	Tue 29 Nov Thu 1 Dec	Affirmative action/positive action II
16	Tue 6 Dec Thu 8 Dec	No Seminar Meeting this Week (UC Berkeley Reading Week) New Developments in Comparative Equality Law (UC Berkeley Reading Week: UC Berkeley students not required to attend).

* Public holiday on 24 Nov – attendance to Thursday class is optional for UC Berkeley students.

Assessment

Each participating University will determine the assessment requirements and award of credits for its own students in light of that University's academic rules. Only UC Berkeley students will receive UC Berkeley academic credit.

UC Berkeley students will be assessed based on two papers of 5-7 pages each, a final exam and class participation (which includes both attending and contributing to the breakout and plenary discussions).

Paper 1	30%
Paper 2	30%
Final Exam	30%
Class Participation	10%

The papers must compare how two or more national/legal systems approach a particular problem of inequality. Further detail on the paper topics will be provided in the Tuesday section. The final take-home exam will present a hypothetical problem and ask how the problem would be analyzed in two countries we have studied.

Learning objectives

By the end of the course, students will be able to:

1. Compare how different legal systems address problems of inequality and discrimination;
2. Read discrimination case decisions and analyze the theories of equality underlying the decision;
3. Read proposed statutes, constitutional amendments and treaties and analyze the theories of equality underlying the proposal;
4. Read articles about inequality and discuss the issues raised in light of the underlying theories of equality, using examples from several legal systems;
5. Connect with students from around the globe as friends/colleagues to discuss ongoing issues of inequality in light of the material they studied together;
6. Reflect on teaching and learning methods used by students and faculty from several nations;
7. Better understand their own connections to a global community of research and learning.

Texts

Most of the reading will be from two textbooks and a web-course.

The first text is a casebook, Oppenheimer, Foster, Han & Ford, ***Comparative Equality and Anti-Discrimination Law*** (3d ed. 2020). Copies can be [purchased from the publisher](#) (Edward Elgar, in the UK) for a discounted price of \$68 (or at full price (\$85) from Amazon). Used copies may be available on Amazon. Students must use the **third** edition.

The second text is a collection of essays, Noel and Oppenheimer (eds.), ***The Global #MeToo Movement*** (2020). Copies can be [purchased from the publisher](#) or Amazon for \$16, or [downloaded for free](#).

Additional course material will be delivered through a Stanford edX web-based course, Ford & Oppenheimer, [*Comparative Equality and Anti-Discrimination Law*](#). These materials mix video recordings of group discussions, debates, and interviews with 44 scholars and activists from six continents. The material is provided through Stanford University's edX portal. Access is free.

The course materials listed above will be supplemented for each class meetings with additional readings proposed by the faculty lecturers for that class, which will be posted to the b-course site.

Office Hours (UC Berkeley students)

I will hold weekly office hours via zoom (details tbc), but I welcome ad hoc 1-on-1 meetings to discuss the course or the assessments. In-person office hours may be available later in the semester. If you have questions or concerns during the semester, I hope you will feel free to reach out to me or my assistant, Megan Cistulli (see below).

Course Support

Megan Cistulli, a UC Berkeley fellow who took the course last year, will be supporting and assisting with the course. Please contact her at MCistulli@berkeley.edu with logistics, bCourses, or other questions.