Central European University  
Department of Public Policy  
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EQUALITY POLICY IN COMPARATIVE APPROACH

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Credit number: 2  
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Course level: primarily M.A. but Ph.D. as well (by relying on the recommended readings and more advanced assignments)

COURSE OBJECTIVES AND 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 a basic legal principle and right in modern democratic systems, the course will move on to critically analyze the policy visions, policy approaches and policy tools used to put equality into practice. The literature to which the course refers will be interdisciplinary in nature with some texts of political philosophy, and legal theory, but mainly political science and policy theory writings.

The course will look at all grounds of inequality but especially at race and ethnicity, gender and disability, and devote special attention to the intersection between different inequality axes. The course will focus primarily on policy practice in Europe and North America. Students will be encouraged to bring documents, issues and cases from the policy environments with which they are most familiar.

The structure of the course will be fourfold, with each section being tackled over several classes.

I. In a basic conceptual overview we will discuss the theoretical foundations of concepts such as equality, equality of opportunity, equality of results and procedural equality.

II. Readings will explore the equal treatment, the equal opportunity and preferential treatment, and finally the mainstreaming approaches, and also the relations among these approaches. Specific attention will be paid to the broadening of the concept of equality from the narrow formal equality approach characteristic for the post WWII years to an increasingly accepted notion of substantive equality. Our main purpose here will be to shed light on some of the theoretical discussions behind these approaches, but also to look at how they translate in practical policy measures and tools and what are the policy dilemmas that they generate.

III. Readings and discussions will look at some of the specificities of the three main grounds of inequality discussed in the course: race and ethnicity; gender and disability and present some contested and specific policy issues in relation to each. We will also
specifically address the problem of intersectionality between inequality grounds and the specific policy issues brought up by it.

IV. Topics in this section will look at the main policy-making levels on which equality policy is conceptualized and implemented, and the actors instrumental in this process: international and regional intergovernmental ones, state level and at non-governmental ones, both national and transnational. Our purpose here is to discuss specific equality related policy processes including the importance of transnational diffusion of norms, the role of intergovernmental, transnational and national actors in this process, but also the role of national enforcement, regulatory and implementation agencies specific to dealing with equality issues.

TEACHING METHOD AND LEARNING OUTCOMES

The course will meet once a week and work in a seminar format. After the discussion of the required readings in which all students are expected to take part, presentation(s) will follow that reveal the challenges that policy actions face in transnational and domestic context in regard to the problems/themes of the specific classes. Presentations thus will introduce key legislative devices, strategies, institutional mechanisms, etc. that beyond some tangible policy lessons help explain, contest, or specify the main arguments of the required readings. The assignment for presentation will be either individual or small group based depending on the size of the class.

The course will sensitize students interested in larger and specific issues of governance, politics, and public policy to challenges of social diversity, cleavages and distinctions pertinent to most 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 theoretical and moral debates that shape considerations on the principles of social equality and 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 (presentations), to do targeted small inquiries for relevant policy cases (voluntary presentations and term paper), and to develop their academic writing skills (written support to the presentation and term paper).

ASSIGNMENTS AND ASSESSMENT

(1) All enrolled students are expected to carefully consult with the required readings prior to classes, ideally by taking notes that help the participation in the discussions. Active participation in the seminar discussions is expected from all students. Diligent completion of the presentation assignment (see below) does not exempt anyone from this general assignment. Seminars will be discussion-based, and their success will largely depend on participants’ contributions to the debate.

Weight to the grade: 30%

(2) Students will sign up to two seminar presentations during the semester. These presentations shall be based on independent inquiry pursued by students on concrete international or domestic policy measures (laws, green papers, strategies, institutional mechanisms, etc.). The inquiry
offers a critical reading of the selected policy measure in the light of the assigned readings to which guidance will be provided by the instructors. The presenters will be expected to sum up the results of their inquiry in 10 minutes maximum. The presentations should be supported by a maximum two-page hand-out distributed to all members of the class. An outline of the presentation/hand-out should be submitted to the course instructors (email) 3 days prior to the class so that necessary adjustments could be discussed.

Weight to the grade: 30%

(3) Students will have to take part in a mid-term and a final exam (both of them take-home). Instructors will offer 3-4 topics from which each student chooses and discusses one in writing (1,200 words per paper). Detailed instructions will be given with the exam questions. It is allowed to use all notes, readings, etc. Timing will be announced at the beginning of the semester through coordination with other instructors of the Department of Public Policy.

Those students, who are going to write their MA theses in a topic that is directly related to equality policies, may choose to write a term paper instead of the two exams. The paper (3,000 words) should follow either the genre of an academic paper or that of a policy study. Further instructions on these genres will be provided upon individual request. A two-page outline of the term paper should be submitted by February 20th. Preliminary discussion with the course instructors is encouraged.

Both take-home exams and term papers should respect the following rules:
Please note that late papers submitted after the deadline will be marked down by half of a letter grade per day. The papers should be double- or 1,5 spaced, appropriately referenced, and provide a bibliography of sources consulted. Please include the word count on the title page. All written assignments should be produced exclusively by the student who submits the work. Any text reproduction which is not clearly identified and attributed will have to be considered as plagiarism (see related provisions and guidance in the Student Handbook and other relevant University policies and regulations).

Weight to the grade: 40%

AUDIT STUDENTS

Audit students are expected to do all required readings in the class and to actively participate in the class discussions and additionally to make at least one seminar presentation.
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: Introduction - Basic Concepts

The overall aim of the class will be to introduce and define basic concepts of equality theory and policy.

Readings

Recommended

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, equal opportunities and positive action for disadvantaged groups and, third, mainstreaming equality.

2. Second Week: Equal Treatment – Anti-discrimination

This week we will discuss the idea of 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.

Readings

Recommended

Presentations: critical reading of domestic anti-discrimination laws
3. **Third week: Equal Opportunity and Positive Action**

This week we will deal with substantive approaches to equality, from substantive equality of opportunity to result-based approaches to equality and the way they relate to procedural approaches to equality, discussed during the previous week. We will introduce the distinction between individual models of justice and group models of justice. We will explore possible policy responses that come under this approach from targeted equal opportunity programs to rigid affirmative action programs, and discuss some debates revolving around them.

**Readings**


**Recommended**


**Presentations:**

Legal provisions for affirmative action; affirmative action based policy programs and impact assessments

4. **Fourth Week: Transformation – Mainstreaming equality**

Mainstreaming, the most novel approach to equality will be discussed, 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. The discussion in the class will address the relationship and innovation of the mainstreaming approach as compared to the other visions of equality and also will discuss some of the contestation, theoretical and practical alike, around the concept and its transposition into policy.

**Readings**


5. Fifth Week: Equality of what? Groups and categories

Having seen the possible theoretical and policy approaches to equality, this class will discuss a crosscutting theme: what is the scope of equality policy, what do the categories used in equality policy have in common? Is equality policy aimed at individuals or groups? 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?

Readings

Recommended

Presentations: definitions of protected groups, properties, and categories in anti-discrimination and/or equal treatment acts
III. Specific grounds of equality

Having discussed the more general approaches to equality, the course will turn to discuss 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?

6. Sixth Week: 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.

Readings

Recommended

Presentation: legislations and strategies to control gender based violence; regulations on sexual harassment legislation; general gender equality strategies

7. Seventh Week: Ethnicity and Race

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 the idea of multiculturalism which constructs the concept of equality along the diversity of ethnic groups. The issue of segregation will be discussed through two groundbreaking United States Supreme Court cases on segregation, pro- and contra, with references to the European case of Roma segregation. For multiculturalism we will discuss Kymlicka’s arguments on how cultural diversity is an integral part of individual freedom and autonomy.
8. Eighth Week: Disability

The main question to be answered this week is: how inequality on grounds of disability, a relative newcomer to equality policy, is different than 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. It will be examined if reasonable accommodation can be conducive to the right to be free from discrimination or it can rather be seen as an issue of positive action.

Readings

Recommended

Presentations: disability laws, strategies, policy programs
9. Ninth Week: **Intersectionality, Competing Inequalities**

Having seen the commonalities of equality policy on different grounds and than 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.

**Reading**

**Recommended**

**Presentations**: re-reading of previously analyzed policy measures with an eye on intersectionality

IV. Equality policy-making

This final part of the course will look into equality policy processes investigating specifically the three main levels where equality policy is made, contested and implemented, and the way in which these three levels interact.

10. Tenth Week: **International and Regional Level**

A very important level for shaping and diffusing equality norms is the international level. This week we will look at international intergovernmental instruments and mechanisms influencing equality policy at national level. We will particularly look at UN legal instruments and implementation mechanisms such as the race, gender and disability rights related conventions and their enforcement mechanisms; and the EU level instruments defining equality policy and impacting on national states.

**Readings**

**Recommended**

Presentations: international mechanisms, instruments on any relevant ground in which major shift or debate occurred in the last 10-15 years.

11. Eleventh Week: State Level

Our focus will be on institutions giving voice and presence to groups protected by equality policies, such as regulatory agencies and enforcement agencies. The main question will be: (a) whether traditional democratic institutions and rights enforcement institutions are sufficient and adequate to protect, implement and enforce equality rights or specialized enforcement and regulatory agencies are needed; (b) to what extent such institutions can give voice and representation to protected groups in a legitimate way. Institutions for political representation, most specifically quota and districting, providing presence for protected group will be also discussed.

Readings

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

Presentations: domestic equality mechanisms (councils, authorities, quota measures, etc.)

12. Twelfth Week: Advocacy and Social Movements Promoting Equality

In the final session we will discuss the essential role of non-governmental advocacy groups and networks (national and international alike) in shaping, implementing and enforcing equality rights and policy in interaction with state and intergovernmental organizations. We will concentrate on the role of public interest litigation, national level non-governmental organizations representing protected groups and transnational advocacy movements.
Readings

Recommended

Presentations: transnational and national advocacy networks; policy shaping CSO-state interfaces; major CSO actions of influence