



## *The Hebrew University of Jerusalem*

### *Syllabus*

## *Gender and Law in France 1870-2022 - 54645*

*Last update 07-09-2022*

*HU Credits:* 2

*Degree/Cycle:* 2nd degree (Master)

*Responsible Department:* European Studies

*Academic year:* 0

*Semester:* 1st Semester

*Teaching Languages:* Hebrew

*Campus:* Mt. Scopus

*Course/Module Coordinator:* N/A

*Coordinator Email:* [yuval.tal@mail.huji.ac.il](mailto:yuval.tal@mail.huji.ac.il)

*Coordinator Office Hours:*

*Teaching Staff:*

---

Dr. Yuval Tal

Course/Module description:

The modern French Republic is often seen as a civic nation-state and as the defender of universal human rights. French laws have been written in a universalist language that presumably reflects these values. Yet a gender analysis of the development of law and legal culture in modern France reveals that gender assumptions, arguments, and beliefs restricted republican universalist ideology and incorporated into French law gender, sexual, ethnic, and religious inequalities. This course will examine the deep connections between questions of gender and sexuality and questions of law and citizenship in France from the nineteenth to twenty-first centuries. We will explore topics such as the place of women in French nationality law, the influence of notions of gender on the development of the French welfare state, the gender premises of French colonial law, the public debate about the “Islamic” veil and its influence on France’s “secular” legislation, debates about laws concerning IVF, and debates about same-sex marriage.

Course/Module aims:

Learning outcomes - On successful completion of this module, students should be able to:

N/A

Attendance requirements(%):

80

Teaching arrangement and method of instruction:

Course/Module Content:

1. Introduction
2. Law and Gender: Theory and History
3. Women and Citizenship in the French Revolution
4. Masculinity, Homosexuality, and Law in the Nineteenth Century
5. Regulating Abortion, Birth Control, and Reproduction
6. Sex, “Islam,” and Citizenship in Colonial Algeria
7. Colonial Sexuality and Racial “Fusion” in French Nationality Law
8. The Family and the Welfare State
9. The “National” Family in the Algerian War
10. Law and the Sexual Revolution

- 
11. *Prostitution Between Legal Tolerance and Prohibition*
  12. *Struggles over Same-Sex Marriage*
  13. *The “Hijab Affairs” in Law*

Required Reading:

1. Introduction
2. Scott, Joan W. “Gender: A Useful Category of Historical Analysis.” *The American Historical Review* 91, no. 5 (1986): 1053–75.
3. Scott, Joan W. *Only Paradoxes to Offer*. Cambridge. 2021, Chapter 2.
4. Surkis, Judith. “Carnival Balls and Penal Codes: Body Politics in July Monarchy France.” *History of the Present* 1, no. 1 (2011): 59–83.
5. Pedersen, Jean E. “Regulating Abortion and Birth Control: Gender, Medicine, and Republican politics in France, 1870– 1920,” *French Historical Studies* 19, no. 3 (1996), 673– 698.
6. Surkis, Judith. *Sex, Law, and Sovereignty in French Algeria, 1830–1930* . Ithaca. 2019. Chapter 7.
7. Saada, Emmanuelle. *Empire's Children: Race, Filiation, and Citizenship in the French Colonies*. Chicago. 2012. Chapter 4.
8. Pedersen, Susan. *Family, Dependence, and the Origins of the Welfare State Britain and France, 1914–1945*. Cambridge. 1993. Chapter 7.
9. Shepard, Todd. *The Invention of Decolonization: The Algerian War and the Remaking of France*. Ithaca. 2006. Chapter 7.
10. Robcis, Camille. *The Law of Kinship: Anthropology, Psychoanalysis, and the Family in France*. Ithaca, 2013. Chapter 4.
11. Shepard, Todd. *Sex, France, and Arab Men, 1962– 1979*. Chicago. 2017. Chapter 6.
12. Robcis, Camille. “Catholics, the “Theory of Gender,” and the Turn to the Human in France: A New Dreyfus Affair?” *The Journal of Modern History* 87 (2015): 892 - 923.
13. Scott, Joan W. *The Politics of the Veil*. Princeton. 2007. Chapter 3.

Additional Reading Material:

Course/Module evaluation:

- End of year written/oral examination 0 %
- Presentation 0 %
- Participation in Tutorials 10 %
- Project work 70 %
- Assignments 20 %
- Reports 0 %

---

*Research project 0 %*  
*Quizzes 0 %*  
*Other 0 %*

*Additional information:*