

INTEGRATING GENDER INTO THE LEGAL CURRICULUM: THE CASE OF A 'TECHNICAL' SUBJECT

M. Maithreyi

The legal curriculum today is required to contain at least one course on Feminist Jurisprudence. Meanwhile, strong arguments continue to be made to the effect that the introduction of feminism as a separate subject is an ineffective and fragmented method of introducing gender into the curriculum, and that feminist critique needs to be integrated into the study of every subject taught in law school. This paper seeks to examine one of the fundamental misconceptions about such an approach – that certain of the subjects taught in law school are less amenable to feminist critique than others.

In the course of transforming legal education in India into 'professional' legal education, the legal curriculum appears to have designated certain subjects as 'technical' subjects, in the study of which doctrine takes a secondary role – procedural and commercial laws come readily to mind. However, this understanding of these laws has also meant that the basic doctrinal assumptions are neither completely understood, nor examined, let alone critiqued. It is in these subjects that feminist critiques have been criticised for being contrived and artificial.

This paper seeks to show how the absence of a feminist critique in the traditional understanding of a 'technical' subject such as tax law has led to a pedagogical crisis in the subject, and how the integration of the feminist critique can be accomplished in a manner neither contrived nor artificial, but simply by using a critical method in studying the subject.

M. Maithreyi
NALSAR University of Law
maithreyim@gmail.com