

# *Exploration of Gender Equality Consciousness in Law Education*

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**Abstract**—The development of gender consciousness is an important manifestation of the principle of equality between men and women essentially. It needs to be reexamined in law education. The traditional sexual differences of law education and gender dualism bring invisible sex discrimination to legal women, which is not conducive to the long-term development of law education and future justice. The new proportion of men and women in law school challenges legal education. Incorporating gender awareness into legal education, and through innovative legal teaching methods and the implementation of “teaching due to gender” have become important measures to achieve fair and equitable development of legal education and gender mainstreaming.

**Keywords**—gender equality consciousness, women, law education, gender dualism

## I. INTRODUCTION

Legal education with the consciousness of gender equality is an important ruler to measure whether a country's education is fair, democratic and perfect. It is an outstanding symbol of whether the legal system of a country really guarantees the national interests. Before the feminist movement, no women went to law school to study law, and women were not considered to have the ability to learn advanced and complex laws. Later, with the rise and development of feminist movement, more and more women went to the law school. At present, more and more women have entered the law school, even more than the number of male students. The women have excellent grades and a higher proportion of graduate students with high academic qualifications. This phenomenon is simply not explained by traditional gender dualism, and it brings severe challenges to the old style of law education.

Gender equality has infiltrated into the legal system and social system. The legislature also recognized the importance of female legal education. It has met the most fundamental rights appeals of women in some basic rights settings, and strongly advocated strengthening the development of female legal education. Equal access to men and women is the result of the healthy development of legal education. It is also the result of women's struggle for their rights over the years. It is also a manifestation of the country's awareness of the development of legal education from the perspective of gender. However, because the country is affected by economic, political, cultural, ideological and other factors, women are faced with de facto gender inequality after entering the legal education. There is still a gap between theoretical gender equality and substantive gender equality. As a method of theoretical research in the field

of law, gender analysis methods can provide a theoretical basis for the current legal education, and re-examine the existence of legal issues that limit the gender equality problem in China's legal education in its own gender perspective.

The issue of gender equality in legal education has attracted the attention of many educational scholars, but the empirical research on this subject in China's research field has not yet appeared in large numbers. The main research content is the proportion of men and women in law education, the challenges they face, the legal value and social value of the awareness of gender equality, and the countermeasures that should be taken in teaching activities. We should realize that legal education itself does present inequalities in educational methods, attitudes and results. But it should also be realized that some legal systems inherently already imply unfair treatment between men and women. This is also the reason why the feminist movement in the world has initiated and grown rapidly. Using the gender analysis method to re-examine the legal education and legal system, it is found that the invisible substantive inequality between the men and women is inequality. It is of far-reaching significance to promote the establishment of the theoretical management system of the law education and the fairness and justice of the legal system.

## II. THE PRESENT SITUATION OF LAW EDUCATION FROM THE PERSPECTIVE OF SOCIAL GENDER

Under the guidance of the constitutional principle of "Everyone is equal before the law", Chinese legal system does not rank men and women except for the provision of special protection for women. It is difficult for women to achieve equal rights in law when the legal system ignores the different situations that men and women suffer from in physiology, history and reality. Influenced by the male ideology, the male has the rational and objective temperament, the female has the emotional and subjective temperament, and the female traits are worse than the male idiosyncratic, so the social gender dualism has been formed in the law circle. The solidification of thought has exerted a subtle influence on women's values and character formation, future career choices, and accepting the overall treatment of society.

Since the 21st Century, more women have entered the legal field. There is an increase in the number of colleges and universities for law majors in China and the number of female students in law majors. Even the number of women is more than that of males. In higher-graduate graduate students (including masters and doctors), the proportion of women is not to be

underestimated. This phenomenon is not only in China, but also in many countries in the world. According to the statistics of the National Bureau of Statistics, in 2008, the number of female college students in colleges and universities nationwide accounted for 49.86% of the total number of students in the school. In the same year, the number of law school students was 635,849; the number of law graduates in the school was 91,324 (including academic Type and professional degree). In 2014, the number of female college students in colleges and universities nationwide accounted for 52.12% of the total number of students in the school. In the same year, the number of law school students was 654,228. The number of female graduate students accounted for 49.16% of the total number of students in the school. The number of law graduate students was 122,541. (including academic and professional degrees). In addition, the comprehensive scores of the law school girls are higher than that of the boys overall.

The proportion of female teachers in law schools has increased, but it is still a minority. Female students have fewer educational opportunities for female teachers, which means that male law teachers face more female students. The gender structure of teachers will deepen students' expectations of gender roles in traditional society[1]. Female teachers and female leaders have no notable lead role in their work. The number and role of their roles have imperceptibly influenced the social role expectations and gender awareness of college students, especially female students. Many male teachers, influenced by traditional gender concepts, have gender stereotyped impression and take more of their own superiority. In teaching, they not only adopt the "non-gender education", but also instill the gender dualism in the field of law. Because women themselves suffer from lower social evaluation, way of thinking, and achievement levels, the negative evaluation influence causes female students to virtually absorb the gender consciousness conveyed by their surroundings. For a long time, female students lack the ability to examine and speculate in the legal study, lack the challenge in the future career. Most women choose to enter the civil service system and administrative positions, and the proportion of men and women in the civil service system has a serious imbalance. Some judicial decisions involve social gender are made by people who lack the awareness of gender equality. The ending result may be unreasonable and unscientific, and even have adverse effects on the fairness of legislation, justice and law enforcement.

Equal access to school does not mean the equality between men and women in law education. Traditional thinking holds that women have low IQ, no excellent qualifications for higher education, and it is "a dangerous force that is harmful to rationality"[2]. Girls who have excellent grades in law schools are often denied a strong logical and speculative ability, and they are not recognized by their teachers for their ability to learn the law. Instead, they are considered to benefit from their good memory and a hard spirit of learning.

### III. THE VALUE OF GENDER EQUALITY CONSCIOUSNESS IN LAW EDUCATION

Legal education can not only teach students legal theory and legal knowledge, but also influence the formation of students' world outlook and methodology. Incorporating the socialization

of gender and gender roles into legal systems and legal courses, and incorporating gender awareness into legal education, has an important impact on the development of students in the future legal path.

First, it is beneficial for students to examine and rethink the gender concept of "gender neutral" legal system objectively and impartially, to observe the gender bias generated in the process of actual operation, and to form a social gender view that keeps pace with the times. understanding the support and construction of the legal system and social system on the gender hierarchy and the privileges of men, it is based on the understanding that the inequality of women under the veil of gender neutrality and equality between men and women is understood[3]. In addition, it is beneficial to promote gender mainstreaming and build a harmonious social relationship by improving students' gender sensitivity in future career decisions and making substantive equality law[4].

Second, it helps to enhance self-confidence and female subjective consciousness. Female college students will become part of the legal professional group in the future. Legal education with a sense of gender equality can enable female college students to strengthen their sense of social responsibility, promote their ideals and beliefs, and break through the traditional gender concept of imprisonment and female professional image fixed mode. In the legal career, women can give full play to their unique language advantages, mediation advantages, advantages in the practice of marriage and family, highlighting the external gender differences and internal individual differences of women.

Third, implement the principle of people-oriented and guide the social culture of colleges and universities. Integrating gender education into specific education is a key measure to implement the principle of " people-oriented ". Promoting men and women to develop their own expertise and seeing problems from a multi-angle and critical perspective is in line with Marxist requirements for the theory of all-round human development.

### IV. THE CHALLENGES OF LEGAL EDUCATION LACKING SOCIAL EQUALITY AWARENESS

The challenges facing the future of legal education that lacks awareness of social equality are as follows:

First, the legal system is sound, but the legal system itself has an invisible lack of gender. The current legal system in China includes the basic legal relationship of life, and the rights and duties of citizens are well protected. However, although the legal system itself was established under the guidance of the Constitution, the men's ability to occupy various resources was stronger than that of women for thousands of years. The nominal legal system of equality between men and women is only the optimization of the legal system in history. There is still obvious gender discrimination in the upgrade essentially. For example, the crime of ill-treatment in our Criminal Law is applicable to families. From the legal point of view, husbands who use wives or wives to fight husbands should apply abusive crimes, but in practice, the position of husband and wife in real life is not equal. It often happens that the husband on the strong side beats the wife on the weak side. If the husband's abusive behavior resulted in the death of the wife, the husband would escape the felony of

committing intentional homicide because of the marital protection. This violates the original intention of establishing the crime of abuse and does not have the effect of protecting the weak side, but instead strengthens the strong position of men. In law education, teachers should be courageous to discover and study the problem of gender deficiency in the law, and to guide students correctly in their legal system.

Second, the number of female students in law schools has increased and their grades have been excellent, but they have not been recognized. The emergence of this phenomenon not only affects education issues, but also affects the future judicial environment. In judicial practice, the female judge professional group has become a living and distinctive legal professional group, and they have played a unique female advantage in the administration of justice. The paradox of the traditional saying that women are not suitable for learning the law is broken, and the women of law schools also present an objective and rational side. Therefore, it is necessary to pay more attention to the characteristics of women in law education and to inculcate the awareness of gender equality to make them become better legal persons.

#### V. THE METHOD OF INTEGRATING GENDER EQUALITY INTO THE LEGAL EDUCATION

Gender neutral legal system and traditional old-fashioned form of law education are not conducive to leading students to produce socialized gender thinking. Teachers should be the direct communicators of gender equality consciousness, but most of the teachers lack this consciousness, and the students themselves are deeply bound by the traditional social gender two element theory. Therefore, the gender hierarchy system has been submerged in law education.

The lack of gender equality awareness in law education is essentially unfair to women. Equality between men and women in entrance opportunities does not mean substantive equality between men and women. The measures that enable women to enjoy fair treatment in law education are to find out the problems that impede the equality consciousness of law education and make countermeasures to realize the equality of social gender consciousness. The concept of gender equality should be brought into legal education. It is necessary for colleges and universities to make efforts in course arrangement, teaching methods, consciousness training and breaking traditional ideas. At the same time, it also requires teachers to directly disseminate and cultivate students' awareness of gender equality. The following methods can be adopted in the specific path:

First, the course arrangement. It is possible to adopt the methods of social gender analysis into legal theory, to combining the concept of gender with the law of various departments, setting up special courses on "gender and law", and imparting both critical and constructive social gender theories and research methods. Cultivating the legal person with the ability to think of social sex is more important. Lawmakers promote this equality consciousness into the decision-making process of legislation, judicature and the law enforcement [5]. In the arrangement of the content, the basic outline, the existing problems and the improvement of the countermeasures can be adopted. The perspective and attitude should be critical for the

current situation, and the countermeasures should be constructive.

Second, innovating the teaching ways. The integration of gender consciousness into the curriculum of various departments will increase the difficulty and capacity of the curriculum. That will require students to have a multidisciplinary knowledge system and extensive reading, and have a high level of academic research ability, such as criticism, reflection and design. The traditional cramming teaching method is difficult to meet the high teaching capacity. It can adopt new teaching methods such as film appreciation method, discussion of business method and case law research, and enhance the effect of teaching vividly, directly and efficiently, so that students can participate in specific bands. In the case of gender equality awareness, students are encouraged to learn and cultivate women's outstanding roles in society[6]. For example, the film " Qiu Ju Go to Court" can be used as the film theme of "Gender and Administrative Law", relying on film and television works to explore the social problems of its refraction.

Third, we should strengthen the training of teachers' gender awareness and implement "teaching due to gender". Colleges and universities can bring social gender equality into law education by organizing teachers participate in the pre -job training, on-the-job training and advanced study to improve teachers' gender sensitivity and avoid gender discrimination in legal education. "Gender teaching" is not a differential treatment, but a reasonable distinction. Training female students to form the main body consciousness, overcome attachment thought, achieve the change of modern role, and change male students' impression of gender thinking and curing. To guide students to understand that the values of equality and justice in the law are built on the male benchmarks left by history. The existing laws treat men and women indiscriminately, which is the confirmation and maintenance of invisible male privilege.

Fourth, break the traditional gender division of labor and the "other" status of female teachers in law education. Men and women have no fixed and constant essential characteristics, some women are also rational and objective. When emphasizing breaking the hierarchy system in dualism, we should not emphasize the differences between male and female teachers and should prevent the word "female" from becoming the shackles of female teachers. On the contrary, the internal strength and characteristics of the female teachers' group should be highlighted. The female teachers in the field of law can use the position of female and the experience of the outstanding women, to analyze the legal system from a gender perspective as the theoretical basis of legal education. Men can reflect on the male privilege existing in the legal system based on their social position from the traditional solidification idea to the recognition of gender theory, and ultimately promote the gender mainstreaming of law education.

#### REFERENCES

- [1] L. J. He, " Research on the Problems of Gender and Equity in Higher Education ," Jiangsu Higher Education, pp. 67-70, 2000.
- [2] Margaret Thornton, "Inharmony and Distrust - Women in Legal Profession," C. Y. Xin and L. Wang .Trans. Law Publisher, p.4, 2001.
- [3] M.Zhang , "On the Cultivation of Gender Equality Consciousness in Law Education," Journal of China Women's University ,vol. 1, p.121, 2011.

- [4] D. Xiang, and X. Y. Wang, "Law-finding Seeking 'She'—Sexual Problems in Chinese Law," *Forward Position*, vol. 20, p. 21, 2010.
- [5] X. X. Cao and S. P. Li, "The Way to Realize Gender Mainstreaming in Law Education," *Journal of South Fujian Normal University*, vol. 5, p. 57, 2017.
- [6] Z. H. Qu. and L. Yan, "Exploring the Course Teaching of Gender and Law in Women's Studies," *Journal of Shandong Women's University*, vol. 2, p. 95, 2017.