

**Mainstreaming Gender Equality into Legal Education: Perspectives and Challenges in a Vietnamese  
University**

by

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## Abstract

Gender inequality silently permeates Vietnamese society, often dismissed as a “no-problem’s problem” (Rhode, 1991), where gender stereotypes are viewed as natural or unalterable. While Vietnam’s legal framework promises equality, a profound gap persists between the law on paper and lived reality. This thesis argues that mainstreaming gender equality into legal education is vital for planting the “seeds” of gender justice. Adopting a qualitative in-depth interview design, this study explores how six law professors in Southern Vietnam negotiate gender perspectives during their teaching. Findings reveal that integration remains marginal, spontaneous, and discretionary. Decision No. 678, issued by the Minister of Education and Training, acts as an “institutional architect of silence,” omitting gender from mandated learning outcomes and allowing leadership to prioritize political and economic objectives over social justice. Furthermore, pedagogical insecurity and the persistent myth of legal neutrality lead law professors in Vietnam to reduce complex gender issues to safe and abstract principles. The study also notes students’ reactions, as observed by law professors, including a “hibernation” of marginalized voices and student resistance to the “privileges” women enjoy under the law. To transform constitutional promises into reality, Vietnamese legal education must move beyond a “one-size-fits-all” doctrinal model toward a critical feminist pedagogy, from a purely doctrinal epistemology toward a standpoint epistemology. Only by recognizing the gendered nature of law and identifying systemic gender biases through the lens of feminist legal theorists can the next generation cultivate a truly just legal system.

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## **Dedication**

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## Chapter 1. Introduction

Gender inequality silently permeates nearly every aspect of life. The persistence of gender inequality, deeply rooted in patriarchal ideology (Goldberg, 1973; Hunnicutt, 2009; Jacquot, 2015), hinders women from overcoming gender prejudices and contributing fully to economic and social development (Ozaki & Otis, 2017; Rhode, 1991). Nevertheless, identifying and addressing gender inequality is challenging due to its manifestation in various ways, influenced by institutional and civil social actors, along with the diversity of cultures and their changes over time (Inglehart & Norris, 2003; Lombardo et al., 2009; Mun, 2015).

Mainstreaming gender equality in legal education is crucial to tackling gender inequality. First, teaching gender equality in legal education can raise awareness among law students about gender stereotypes, enable them to better understand how the law has historically affected women's opportunities and self-awareness, and equip them with legal knowledge to challenge and overcome gender biases (Ceballos-Bedoya, 2021; Uygur & Özdemir, 2022). Second, gender equality in legal education helps to establish an inclusive and supportive learning environment, which can allow female students to feel more included, enhance their self-confidence and professional skills, and ensure that academic outcomes and career opportunities are equal for all students (Bashi & Iskander, 2006; Ceballos-Bedoya, 2020). Finally, incorporating teachings about gender equality in legal education serves as "planting a seed" of gender justice to future lawyers, judges, policymakers, and law teachers. This gives hope for a legal system with improved reforms and better interpretation and practice of the law, ultimately leading to true equality in society (Uygur & Özdemir, 2021; Vujadinovic, 2015).

Law, indeed, is widely considered one of the most effective tools for eliminating gender inequality. It establishes official boundaries, creates a framework to promote gender equality, and enforces it in society (Božič, 2021, p. 124). Gender equality, from a legal perspective, means that women should be able to exercise and enjoy their human rights and fundamental freedoms on an equal basis

with men, and they should be entitled to equal protection under the law (Committee on the Elimination of Discrimination against Women [CEDAW], 2015, pp. 3,4). The history of women's movements witnesses the tireless efforts of feminists advocating for significant legal reforms toward gender equality. These include recognizing women's legal rights to reproductive freedom, preventing violence against women, and erasing sex-based discrimination in various contexts, such as family, education, employment, and welfare (Rhode, 1991, p. 1745). Discussing women's property rights, Lord Denning, as head of the Britain's Court of Appeal, wrote:

“By a series of Acts of Parliament, however, starting in 1870, all the disabilities of wives in regard to property have been swept away. A married woman is now entitled to her own property and earnings, just as her husband is entitled to his. Her stocks and shares remain hers. Her wedding presents are hers. Her earnings are hers. She can deal with all property as fully as any man... No longer is she dependent on her husband. She can, and does, go out to work and earn her own living. Her equality is complete.” (as cited in Smart & Martha Nussbaum, 2002, p. 12)

Nonetheless, is it true that women's equality is complete when women have increasingly guaranteed equality in legal rights? In other words, is equality substantive or merely formal for women? These questions need to be raised because of the gendered nature of the legal system, legal education, and legal profession (Smart, 2002; Uygur & Özdemir, 2021). MacKinnon (1989) observed that laws have always been patriarchal regarding rape, abortion, or pornography despite the juridical standards of being neutral and unbiased (pp. 167-170). Also, the interpretation and application of the law might be impacted by gender biases, hindering women's access to justice and perpetuating discrimination (Schultz, 2014, p. 201). As CEDAW stated in General Recommendation No. 33: “Stereotyping distorts perceptions and results in decisions based on preconceived beliefs and myths rather than relevant facts” (p. 12). For example, in *Bradwell v. The State* (1872) where the Supreme Court of the United States held

that a state's denial of women's admission to its bar was not unconstitutional, Justice Bradley emphasized his concurring opinion that:

"The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life.... The paramount destiny and mission of women are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator" (*Bradwell v. The State*, p. 141).

It's hard to deny that the judge's perspective in this case was not based on preconceived notions about femininity and the role of women, probably leading to the exclusion of women from certain job opportunities, which, through the patriarchal lens, do not conform to the laws of nature.

It is worth noting that the legal education system has been historically male-dominated, and women have often endured learning experiences described as "not an improvement but an injury" (Daniel & Bruce, 2015, as cited in Pozzo, 2023). As noted by some scholars, there has been unequal access to law schools for women (Field, 1999; Levin & Messersmith, 2021; Menkel-Meadow, 1986). Even with the increasing number of female law students in law institutions, their participation in class discussions remains limited. They may not speak more in class for a variety of reasons (Uygur & Özdemir, 2022, p. 210). One of those might come from the different treatment female students might often receive from professors. For instance, professors tend to spend less time considering female students' opinions or show hesitation when challenging them or engaging with their ideas (Bashi & Iskander, 2006b, pp. 409-412). Female students also have fewer opportunities for faculty mentoring, leading to higher levels of dissatisfaction compared with their male counterparts (Bashi & Iskander, 2006b, pp. 398, 423, 428). As a result, law schools are held responsible for being the source of sex discrimination in the legal profession (Howell, 2008; Purvis, 2012).

The representation of women in the legal profession differs significantly from that of men. In some European countries such as France, Italy, and Germany, men primarily occupy leadership positions

in law firms, whereas only 27.8% of court judges are women in the United States (Pozzo, 2023, pp. 192, 193). As Bashi and Iskander (2006) emphasize, “Law schools and the legal profession were built by men and for men; it would be remarkable, indeed, if they did not reflect preferences and tendencies associated with men” (p. 392). Both the legal education system and the legal profession, then, might perpetuate gender stereotypes, deepening and exacerbating gender inequality in society.

Gender inequality persists, right within the legal realm. However, the next questions that should be carefully considered are related to our perception of gender inequality. Do we realize its existence, and if so, how do we address and respond to it? Rhode (1991) identified the disturbing degree of social comfort for the sex-based disparity, which she called a “no-problem’s problem.” She stated that “To the public in general, and lawmakers in particular, sex-based disparities have often appeared natural, functional, and, in large measure, unalterable” (Rhode, 1991, p. 1734). After more than 30 years of Rhode’s discovery, it might be time for us to reconsider whether we too easily accept gender inequality and whether we are prepared to challenge traditional gender norms and confront cultural chaos.

In this sense, my thesis aims to contribute to substantive gender equality in broader social change, by looking at how gender equality may be efficiently mainstreamed into legal education. In this thesis, “mainstreaming gender equality” refers to the systematic integration of gender perspectives into the content, pedagogy, and institutional practices of legal education, with the aim of addressing structural inequalities and promoting inclusive legal understanding. By exploring a specific university in Vietnam, I will analyze how Vietnamese law teachers perceive the importance of gender equality in legal education and concurrently identify challenges they face in integrating gender equality into their teaching. Through conducting semi-structured interviews with Vietnamese law teachers and analyzing qualitative data, I hope to offer recommendations for improving the integration of gender equity in legal education and suggest ways in which universities can support law teachers in overcoming barriers related to teaching gender equality.

The next section begins by positioning my personal experience for the purpose of providing a nuanced understanding of how law professors' knowledge of gender equality can be shaped, reshaped, and changed over time. Following this, a brief introduction to legal education in Vietnam, Vietnamese cultural and historical gender prejudices against women, and Vietnamese legal policies on gender equality will be provided. This aims to create a comprehensive overview in understanding the context in which law professors' perspectives on gender equality can form and the challenges they may face when integrating gender equality into legal education.

### **1.1. Researcher's Personal Experiences**

During my four years (2003–2007) of studying for a bachelor's degree in law in Hanoi and nine years (2014–2023) of teaching law in Ho Chi Minh City, I rarely doubted the protection provided by Vietnamese law and the Vietnamese legal education environment for gender equality. I was taught that the nature of the law is objective, fair, and applicable to all subjects regardless of age, region, religion, classes and especially gender (Dinh & Pham, 2002). Upon reflection, I realize I may not have been sensitive enough to identify how obvious gender discrimination is in certain situations. For instance, before the university graduation ceremony, one of my respected professors sighed and exclaimed, "It's a girl again," upon learning that I was the valedictorian and would be delivering a speech to the whole school. In another instance, during my 2012 entrance exam to become a law teacher at a university in Vietnam, a colleague whispered to me that "male recruits are given priority." Another colleague then joked that "I should not get married and have children in the next year or two." When saying that, they meant the leaders prioritized accepting men over women so as not to become involved in any family or childcare tasks. They believed that a male teacher would be healthier, take on more classes, and be more willing to travel to different provinces and teach every weekend. Unfortunately, there is a general perception that a female teacher would be a burden on the entire department. This is because another

coworker would have to “carry” the job to help her for at least four years, from the time she becomes pregnant until her child turns three years old, when children are less likely to get sick.

Despite these negative attitudes, I still spoke at the graduation ceremony and was admitted to one of the law schools in Vietnam. Also, after getting married and having children, my labour contract was not terminated. While this was undoubtedly fortunate for me, it could have been potentially unfortunate since I gradually felt that gender inequality or its manifestation was acceptable to me. This became apparent to me when I advised a female law student to reconsider continuing her master's program while her children were under three years old, echoing the view of my law teacher who once told me, “Women must prioritize caring for their children over pursuing higher education.” While agreeing with Marks & Gaffield (1986, as cited in (Gonick, 2018) that higher education was recognized at best as irrelevant and contradictory to women’s roles as wives and mothers, in hindsight, I wish I had discussed alternative solutions with my student and challenged the traditional gender norms of her husband.

I was told that some of my female students were being asked to sign a contract agreeing not to have children within the first two years of joining a company (Vietnam Social Security, 2018). This practice is illegal. Article 8 of the Vietnam Labour Code (2019) prohibits discrimination in labour. Moreover, employers who fail to ensure the implementation of gender equality in the recruitment process or dismiss employees for reasons of marriage or pregnancy shall be fined (Decree Promulgating Penalties for Administrative Violations in the Field of Labour, Social Insurance, and Vietnamese Workers Working Abroad under Contracts, 2022). However, I was also convinced that such childless employment contracts were considered a social norm in the labour market since most women seeking jobs and income accepted this contract. While I empathized with the struggles faced by female students who often had to prioritize work over personal plans such as marriage and having children, at that time, I didn't realize the connection between this story and the previously mentioned issue that Vietnamese

women are often pushed to either prioritize family responsibilities or work. It appears that I subconsciously tended to see my female students primarily as future wives, mothers, and employees. Nonetheless, I didn't pay much attention to the women themselves, didn't ask for their opinions, didn't listen to their aspirations, and didn't consider things from their lens in order to work together to find solutions. More importantly, instead of taking legal action or using the media to expose the employer's illegal demands, my students and I chose to remain silent as a way of reaffirming our understanding of the law and its practical implications. We implicitly acknowledged a significant gap between the formal rights and responsibilities granted to women by law and their actual rights and responsibilities in reality.

Now, I am curious if other law professors share my experience about gender equality, what rationales establish their views, and what challenges they have to face when integrating gender equality into legal education in Vietnam. To answer these questions, in the following section, I will present the background of the Vietnamese legal education system, Vietnamese women in history and culture, and Vietnamese legal policies on gender equality, in order to present the contexts contributing to law professors' perspectives and challenges.

## **1.2. Legal Education in Vietnam**

### *1.2.1. A brief history*

The history of Vietnamese legal education is relatively recent (Tan et al., 2006; Irish, 2007; Sidel, 1993). Prior to the French invasion in the late 19<sup>th</sup> century, there was likely no structured legal education program in Vietnam (Ho, 2016). The first law school was founded in 1931 during French colonialism. Nonetheless, there are few published reports about it and its graduates (Sidel, 1993). During the Vietnam War (1955-1975), South and North Vietnam were separated. The Democratic Republic of Vietnam, known as the government of the North, directed most of their resources towards the resistance war to liberate the South and reunite the country. This was one of the main reasons limiting

their capacity to develop legal training (T. B. L. Bui, 2005). Only the Judicial Training School, under the administration of the People's Supreme Court, focused on training a small number of judges during that time (Vietnam Court Academy, n.d.). Following the reunification of the country in 1976, in the North, Hanoi Law University (Đại học Pháp lý Hà Nội, later renamed Đại học Luật Hà Nội) was established in 1982 under the Ministry of Justice (Hanoi Law University, 2020). In the South, the Ministry of Justice issued a decision to establish the first law school in Ho Chi Minh City in 1982, which was later renamed Ho Chi Minh City Law University in 1993 (Ho Chi Minh City Law University, 2018). Until now, Hanoi Law University and Ho Chi Minh City Law University have been considered the two largest law training institutions in Vietnam.

As a significant part of the changes brought by the Doi Moi (renovation) program starting in 1986 to transform the Soviet model of the planned economy into a market-based economy with a socialist orientation, the legal sector has become fashionable, leading to the flourishing of numerous law training institutions (LTIs) (T. B. L. Bui, 2005; Sidel, 1993). In 2015, there were 29 LTIs in Vietnam (N.S. Bui, 2017). This number has continued to increase, reaching 95 as of 2021 (Luan, 2021). Despite this remarkable development of legal education, many concerns have been raised about its quality. In response to these concerns, in Decision No. 1056/QĐ-TTg dated 13 September 2023, the Prime Minister approved the “program to strengthen control and improve the quality of bachelor of law training in the period of 2023-2030.” The decision clearly outlines the main approaches towards international integration and enhancing practical aspects of legal education. It should be highlighted that in 2021, the Vietnamese Government issued Resolution No. 28/NQ-CP, regulating the National Strategy on Gender Equality from 2021 to 2030. Accordingly, the Ministry of Justice is responsible for guiding the integration of gender equality in the formulation of legal documents, appraising this integration, and developing a program to improve the capacity of gender equality for officials. Also, according to Resolution No. 28, the Ministry of Education and Training is tasked with incorporating educational content on gender,

gender equality, and reproductive health into teaching at all levels. When considering Decision No. 1056 in this context, it is intriguing to note that legal education is likely to be overlooked in these integrated programs designed to promote gender equality.

### *1.2.2. Law schools and law programs in Vietnam*

LTIs in Vietnam, in general, might be categorized into three groups (T. B. L. Bui, 2005; Ho, 2016). The first group includes universities specializing in law training, such as Hanoi Law University and Ho Chi Minh City University. The second group consists of law faculties or schools within multidisciplinary universities, such as the University of Law at Hue University, and the Faculty of Law at the National Economics University. The final group comprises other training institutions managed by research institutes and judicial bodies, only focusing on offering postgraduate law education or training in legal practice skills. For instance, the Institute of State and Law, under the National Centre for Social and Human Sciences, is authorized to provide postgraduate law education (T. B. L. Bui, 2005).

LTIs can offer undergraduate and/or postgraduate programs based on whether the school meets the relevant requirements of the Ministry of Education and Training according to Circular No. 02/2022/TT-BGDĐT. At an undergraduate level, legal education can be provided in three formats, including (i) full-time on-campus for students applying directly from high school, (ii) distance learning where students primarily study independently with limited instruction from law teachers, and (iii) in-service programs designed for working individuals, taught during evenings or on weekends. In this thesis, the author will concentrate solely on the first format: full-time, on-campus undergraduate legal education. Interviews will be conducted with law professors from a faculty of law at a multidisciplinary university in southern Vietnam.

Currently, there may be no national data on the state of gender equality in legal education in Vietnam because, despite my best efforts, I was unable to find any anywhere. Only a few LTIs, such as the Faculty of Law of the University of Economics and Law and Hanoi Law University, publishes data on

the employment situation of graduate law students, which include statistics on the number of female undergraduates annually (Hanoi Law University, n.d.; University of Economics and Law, n.d.). According to the author's own calculations, in Hanoi University of Law, one of the two largest LTIs in the country, from 2018 to 2023, 72% or more of the students graduating from the undergraduate law program were female (Hanoi Law University, n.d.) The highest percentage was in 2021, with 83.7% female graduates (Hanoi Law University, 2022). However, solely relying on the fact that female students make up the majority, it would be challenging to argue that gender inequalities have been effectively eliminated in the legal education environment and, more broadly, in the legal profession, which reflects all results and messages of legal education in practice. In a rare unofficial report published in 2023, it was revealed that out of 63 bar associations across Vietnam, a small percentage of female lawyers hold leadership positions (Hanoi Bar Association, 2023). Specifically, twenty-five bar associations do not have any female leaders, and only three bar associations have 50% female lawyers in leadership roles (Hanoi Bar Association, 2023). While the potential of law students in the future shows the importance of mainstreaming gender equality into legal education, these figures only provide a glimpse of the overall picture of legal education in Vietnam from the perspective of gender equality. Thus, it is difficult to assess whether female law students experience gender discrimination while accessing and studying in LTIs or practicing law in Vietnam. It is also unclear whether judges, state officials, and lawyers may interpret, apply, and analyze the law in a way that perpetuates gender inequality due to a patriarchal perspective.

### **1.3. Vietnamese Legal System toward Gender Equality**

Law is widely considered one of the most effective tools for eliminating gender inequality. It establishes official boundaries, creates a framework to promote gender equality, and enforces it in society (Božič, 2021, p. 124). Gender equality, from a legal perspective, means that women must be able

to enjoy their human rights, fundamental freedoms, and protection under the law on an equal basis with men (Committee on the Elimination of Discrimination against Women [CEDAW], 2015, pp. 3, 4).

If that is the case, Vietnam can be regarded as a country with a relatively well-established legal system to promote gender equality. Indeed, the first Vietnamese Constitution of 1946 explicitly states in Article 9 that “Women have the same rights as men in every way.” The next versions of the Constitution in 1959, 1980, 1992, and 2013 repeatedly reaffirmed this significant principle. In 1982, Vietnam ratified the Convention on the Elimination of All Forms of Discrimination Against Women, manifesting Vietnam's considerable efforts and strong commitment to the international community in promoting gender equality. Then, various regulations have been continuously enacted and updated by the Vietnamese National Assembly, aiming to eliminate gender discrimination and safeguard women’s fundamental rights in practice. Notable laws include the Gender Equality Law of 2006, the Civil Codes of 1995, 2005, and 2015, the Marriage and Family Law of 2014, the Labour Codes of 2012 and 2019, and the Laws on Domestic Violence Prevention and Control of 2007 and 2022. Among other rights, the right to property ownership equally to men, the right to unilateral divorce, the right to equal pay, the right to abortion except in cases of sex-selective abortion, and the right to be protected against various forms of domestic violence have been regulated for Vietnamese women.

Considering the advancements in the Vietnamese legal framework that increasingly protect the equal legal rights of women, some individuals may believe that equality for Vietnamese women has been fully achieved, deeming any additional effort as redundant. This perception can form multifaceted obstacles challenging the incorporation of gender equality into legal education.

#### **1.4. Gender Prejudice against Women in Vietnam**

Vietnamese history has witnessed a significant shift from enduring indigenous matriarchalism to the establishment of patriarchy as a result of the influence of Confucianism, which has reduced women’s agency and erased their voices in public discourse (Luong, 1989). Starting from circa 111 BC

and continuing until AD 938, 1050 years of Chinese domination allowed the seeds of Confucianism to germinate and take root profoundly in Vietnamese consciousness, eventually becoming the official state philosophical ideology of Vietnam in the eleventh century (Ly Dynasty) (Chiricosta 2010, Luong, 1989; Rydstrøm & Drummond, 2004). Over time, despite the influences from Buddhism, Taoism, Communism, and Western culture, the patriarchal ideology of Confucianism, which promotes a social hierarchy with the principle of men being respectable and women being despicable (*nam tôn nữ ti*), continues to prevail in contemporary Vietnamese society (Luong, 1989; Schuler et al., 2006). These values have institutionalized male dominance and relegated women to subordinate roles, embedding ignorance about gender equality within societal structures and distorting how the law can be interpreted, as well as how women perceive their legal rights.

First, gender stereotypes significantly influence how Vietnamese women view and respond to the legal issues they may be involved in. These prejudices can create a “screen to unknowing” (Code, 2008, p. 36), restricting women’s choices and opportunities, even when they have the freedom to make their own decisions under law. For example, domestic violence and gender-based violence are underreported due to societal stigma and the prioritization of family honor over individual rights (Nguyễn, 2022; T. H. Nguyen, 2012). Indeed, Vietnam’s Criminal Code (2015) provides sanctions to punish those who commit rape. Nevertheless, rape survivors are often silent. It is because, in Vietnam, a good and marriageable girl means being pure and submissive (T. H. Bui, 2020; Khuat et al., 2009). Disclosure of rape is often a collective effort where the individual’s moral position and the meaning of family honor are negotiated since revealing a family member’s rape is often seen as humiliating not only the rape survivor but also the entire family (Nguyễn, 2022; T. H. Nguyen, 2012). This fear of social disgrace can lead families to treat the incident as private and avoid contacting authorities (Nguyen, 2012; Nguyễn, 2022).

Victims of intimate partner violence (IPV) also have similar reactions to rape survivors (Herrero-Arias et al., 2021). According to the Ministry of Labour, Invalids and Social Affairs (MOLISA), General Statistics Office (GSO), and United Nations Population Fund (UNFPA) (2020), 62.9% of ever-married Vietnamese women have faced violence (emotional, physical, sexual, economic, and/or controlling behaviors) from their partners. However, 90.4% of those suffering from IPV did not seek help from public services, even though the Vietnamese government took further significant steps towards the prevention of IPV and protection of the survivors in accordance with the Law on Domestic Violence Prevention and Control (2007 and 2022). The rationale may stem from the complex interconnection of societal stereotypes linked to diverse roles, traits, and expectations related to women. First, Vietnamese girls are taught to embody the virtues of a dutiful daughter, mother, and wife, adhering to the Confucian moral code known as the “three obediences,” which dictates that a woman must obey her father before marriage, her husband during marriage, and her eldest son if widowed (Schuler et al., 2006). Women are also educated from an early age to change themselves to harmonize with specific social circumstances, rather than changing their circumstances so that they have the opportunity to develop equally with men (Rydstrøm, 2003b). Due to the inferior status of a woman to her husband, Vietnamese people often think that she needs to please her husband. Otherwise, she deserves to be punished by her husband. She has to endure and “swallow the pill” (nhịn nhục) if her husband becomes angry, destroys everything, or even beats her (Rydstrøm, 2003a, 2003b).

Second, IPV survivors often remain silent due to fears of social shame and stigma (Herrero-Arias et al., 2021). IPV can be seen as a reflection of the wives’ failure to attain the ideal family harmony, whereas children with a father who has a criminal record may face significant challenges in securing employment or even getting married (Herrero-Arias et al., 2021).

The Taoist concept of Âm-Dương further reinforces gender stereotypes (Rydstrøm, 2003b, 2004). Women, under the influence of the Âm force, are assumed to have “cold” bodies, which are

expected to be “gentle,” “passive,” and easy to control (Rydstrøm, 2003b). In contrast, the forces of Dương are thought to enable men to have physical strength and make them “hot,” which means being “badly tempered,” “naughty,” hard to control, violent, aggressive, and “active” (Rydstrøm, 2004, 2006, 2020). The concept of Âm-Dương has woven societal expectations and norms related to gender, influencing Vietnamese perceptions of masculine and feminine attributes and behaviors (Rydstrøm, 2003a). As a result, in Vietnam, men’s violence becomes possibly understandable and acceptable, whereas women’s oppression is inherent.

In addition, many Vietnamese women do not choose to divorce because they think that they need to sacrifice themselves to maintain a stable family environment with both mother and father for their children (Herrero-Arias et al., 2021; Pettus, 2003). According to Pettus (2003), sacrifice has developed into a treasured virtue that seeps into the very essence of Vietnamese culture for women. In a way, this gender expectation has distorted women’s perception of their rights, preventing them from exercising their legal rights to divorce under the Vietnamese Marriage and Family Law of 2014.

It is also significant to underscore that gender stereotypes can exacerbate the gap between what is mandated by law and how it is interpreted and applied in practice. For instance, there are ongoing debates among lawyers and judges regarding whether a husband can be held criminally responsible for raping his wife. Some still believe that women are traditionally obligated to have sex with their husbands even if they do not want to do so (Hồng Minh, 2015, 2020). These individuals, thus, view sexual abuse within marriage as domestic violence under the Vietnamese Law on Domestic Violence Prevention and Control of 2007 and 2022, rather than considering it a criminal act of rape according to the Vietnamese Criminal Code of 2014. It means that the husbands in these cases are expected to face divorce or administrative sanctions instead of criminal penalties (Hồng Minh, 2015, 2020).

In the area of labour law, the traditional belief in gender roles within the family, which assigns women the responsibilities of childcare and household chores, has led to the widening gender gap in the Vietnamese workplace. The assumption that young women will likely contribute less because they are believed to become the primary caregivers once they have children results in employers offering fewer opportunities for advancement and bonuses to female workers than their male counterparts (M. H. Dang, 2024). Furthermore, leadership roles are often framed around the male archetypes of “provider,” “breadwinner,” and “leader,” who engage in substantial responsibilities (An et al., 2022). Vietnamese women, therefore, are not viewed as innate leaders and are often considered unsuitable for leadership positions (N. L. T. Dang, 2017; J. Munro, 2012). This perception leads to the continuation of the trend where leadership positions remain predominantly occupied by men despite Vietnam’s Labour Code (2019) regulating gender equality in the workplace. Women, when they do attain leadership roles, are frequently relegated to deputy positions (Duong, 2001). If a woman is promoted to a management role, she commonly struggles to gain community support from both her male and female colleagues (J. Munro, 2012).

In conclusion, patriarchal norms and Confucian ideologies can obstruct gender equality in Vietnam by distorting the legal rights of Vietnamese women, making them difficult, if not impossible, to enforce. Addressing these challenges requires incorporating gender perspectives into education, especially legal education, to raise awareness among law students about gender stereotypes and their impacts on the implementation of law. This approach aims to dismantle these stereotypes and empower women to achieve equal opportunities in all walks of life.

## Chapter 2. Theoretical Framework

In contemplating how to integrate gender equality into legal education effectively, it becomes apparent that a fundamental comprehension of feminist legal theory and its core tenets is essential. Without the basis of feminist legal theory, attempts to incorporate gender equality into legal education could become unsustainable, incomplete, or unconvincing. Indeed, mainstreaming gender equality into undergraduate legal education goes beyond merely adding some courses regarding women's issues or gender-related legal analysis to the curriculum. Rather, according to Shalleck (1992), law professors need to seek opportunities to

enable our students to understand how the law interacts with social power to shape women's experience in society, to critique how the law operates in any particular situation with regard to gender, and to convey how lawyers have space to shape new legal tools that challenge the oppression of women in society. (p.113)

In this sense, feminist legal theory can serve as a critical and analytical lens necessary for law professors and students to examine the inherently gendered nature of law, as well as its role in perpetuating systemic gender inequalities (Davies & Munro, 2016; Menkel-Meadow, 1992). In contrast to other forms of feminist theory that may undermine the significance or even question the function of law in describing society or governing social changes, particularly concerning gender issues, feminist legal theory positions the law as a central point, underscoring its important influences on women's lived experiences (Levit & Verchick, 2016a). More specifically, this theory addresses various legal issues, such as family law, criminal law, constitutional law, and workplace discrimination, by scrutinizing the impact of legal doctrines, institutions, and practices on women and marginalized communities (Lacey, 1995; Menkel-Meadow, 1992). Additionally, feminist legal theory explores methods for challenging the processes of law-making, interpretation, and reform to promote gender justice (Lacey, 1995; Menkel-Meadow, 1992; A. C. Shalleck, 1992).

In the following sections, three core tenets of feminist legal theory, including feminist critiques of legal objectivity and neutrality, centring women's lived experiences, and diversity within the feminist legal theory, will be introduced and further analyzed.

## **2.1. Feminist Critiques of Legal Objectivity and Neutrality**

One of the most intriguing aspects of feminist legal theory arises from the ongoing debate among feminist legal scholars who critique traditional legal ideals of neutrality and objectivity. It is because these ideals are deeply tied to skepticism, often leading to a dismissal of feminist legal theory or ignorance of women's legal issues and their lived experiences (Davies, 2016). Law is fundamentally expected to override group interests, and judges must remain impartial when considering cases (Fletcher, 2002). Thus, it is believed, employing feminist thought or integrating a woman's perspective in reviewing or interpreting legal provisions can render law and its practical application neither legal, fair, nor appropriate (Hunter, 2016).

In response, feminist legal theorists argue that law is masculine, reflecting the historical view of men and reinforcing male dominance within legal concepts and principles (Fletcher, 2002; Levit & Verchick, 2016a, 2016b; MacKinnon, 1983; Menkel-Meadow, 1992). Men define the state's form, structure, and function (MacKinnon, 1983) and possess a greater share of power and privilege (Levit & Verchick, 2016a, 2016b). Legal systems and institutions, therefore, function merely as tools through which men exercise their power over women (MacKinnon, 1983).

For further information regarding the concept of "law's truths," Davies (2016) highlights that these truths do not represent a neutral or objective reflection of reality; rather, they are shaped by gendered assumptions and biases. According to Davies (2016), law not only describes the world as it is but also actively shapes our understanding of what is normal, true, and acceptable under the influence of language, often reflecting and reinforcing power dynamics and a masculine perspective. Moreover, as Fineman & Thomadsen (1991) assert, traditionally, law is seen as a public arena, focusing on public

concerns, while women, in terms of gender symbolism, are defined and controlled by men in the private spheres of the communal society, in the family and in silence. Law, consequently, seems to exclude women from the deepest layers of its nature.

Some feminists also examine how the “liberal legal person” reflects and upholds the law’s inherent “masculinity.” According to Hunter (2016), the characteristics associated with a legal person, such as autonomy, rationality, objectivity, assertiveness, self-interest, self-possession, and self-sufficiency, are all masculine. In contrast, stereotypical feminine characteristics are often perceived as irrational, subjective, and particular; thus, they do not meet the level of objectivity necessary for authoritative judgment (Hunter, 2016). Consequently, for centuries, women’s bodies were viewed as men’s property, with the legal system denying women autonomy and control over their lives. Women often struggle to be recognized as complete legal subjects, with their real-life experiences frequently ignored in legal doctrine and practice (Hunter, 2016). As Hunter analyzes:

We can see this masculine norm in the reasonable man of tort law and self-defence doctrine; the rational, self-interested actor of contract law; the responsible person of criminal law; the unencumbered worker of labour law; the rights-bearing individual of human rights; and the standard comparator of equality law (Finley, 1989, pp. 893, 896). These legal persons operate autonomously in the public sphere – it is difficult to imagine them, for example, changing nappies, cuddling children or breastfeeding (Naffine, 2009, p. 158, as cited in Hunter, 2016, p. 14).

Consequently, for centuries, women’s bodies were viewed as men’s property, with the legal system denying women autonomy and control over their lives. Women often struggle to be recognized as complete legal subjects, with their real-life experiences frequently ignored in legal doctrine and practice (Hunter, 2016).

In summary, feminist legal scholars highlight that legal concepts and principles often reflect and reinforce gendered social constructions, often advantaging male experiences and perspectives as the norm. They contend that what appears neutral and objective in law can, in reality, perpetuate gender bias, hindering women's access to justice.

## **2.2. Centering Women's Lived Experiences**

From recognizing masculine perspectives of legal rules and principles, feminist legal scholars emphasize the significance of women's lived experiences as a foundational principle of feminist legal theory. They see it as a means to understand how the law shapes diverse, multiple, and overlapping experiences of both women and men in practice, and to formulate strategies for establishing a more equitable legal system. Balos (1992) agrees with Finley (1989), asserting that recognizing the intersectionality of gender with other social identities like class, race, and sexual orientation, rather than examining gender alone, is "crucial to understanding the power of the dominant culture and how that power effectively silences and subordinates non-dominant groups" (Balos, 1992, p. 890).

Indeed, according to Davies (2016), by employing standpoint epistemology, feminist legal theorists can acknowledge that knowledge is situated and influenced by one's social position and experiences. This approach allows for exploring the unique and valuable insights women develop through their lived experiences in a patriarchal society, thereby criticizing assumptions, biases, and power dynamics within traditional legal thought and practice (Davies, 2016).

For instance, feminist legal scholars argue that traditional definitions of consent in rape law in the UK and the US are often too narrow, fail to take into account a wide range of coercive tactics, and are frequently distorted due to the substantial impacts of gender stereotypes on women (MacKinnon, 1983; V. E. Munro, 2016; Song, 2016). Women dressing provocatively or drinking alcohol in amounts exceeding a moderate level are considered to be partially expressing their consent to intercourse (V. E. Munro, 2016).

There is also a period when legal requirements for evidence of reasonable resistance from victims can lead to situations where victims who cannot physically resist could be denied justice (MacKinnon, 1983). Besides that, laws that focus solely on physical force or threats of violence tend to ignore other forms of coercion, such as psychological manipulation and emotional pressure (Song, 2016). Thus, in the context where most rape laws define the line between seduction and criminal sex often based on a combination of “force,” “threat,” and “consent” (Estrich, 1986, as cited in Song, 2016), rape can become “a crime which is very difficult to allege and relatively easy to evade” (Davies, 2016, p. 68). In other words, by focusing on the female experience, feminist legal theorists challenge laws that implicitly condone a level of male sexual authority and violence while overlooking women’s understanding and experiences of consent to perpetuate male dominance and female subordination.

### **2.3. Diversity within Feminist Legal Theory**

It is important to note that feminist legal theory is not monolithic; rather, it encompasses various approaches that reflect different strands of feminist thought (Levit & Verchick, 2016b; MacKinnon, 1983). Each category of feminist legal theory provides distinct insights into how important the law’s role is in describing society and prescribing changes (Levit & Verchick, 2016b). However, this can simultaneously raise concerns about intensified workload and academic pressure on both law professors and students. Specific considerations may involve determining whether to introduce just a few categories of feminist legal theory to students or how to address contradictions and overlaps among the categories, using them as catalysts, rather than obstacles, for teaching and learning toward social transformation.

For example, students might feel confused when examining pregnancy discrimination in labour laws. On the one hand, equal treatment theorists, promoting gender equality by emphasizing women’s sameness to men, argue that pregnancy should be treated like other temporary disabilities, ignoring the unique biological reality of pregnancy (Menkel-Meadow, 1992). This is to say, due to some mobility

limitations during pregnancy, there exists an assumption that pregnant women have a temporary disability. On the other hand, according to cultural feminists, women's unique experiences related to pregnancy and childbirth require special legal protection (Fineman, 2005; Levit & Verchick, 2016a; Menkel-Meadow, 1992). Cultural feminists contest equal treatment theorists, advocating for policies like mandatory maternity leave. They argue that pregnancy is not merely a temporary disability and that it's not a disability at all but a critical part of a woman's life, which should not be a reason for employers to deny women labour contracts or terminate their positions (Levit & Verchick, 2016a).

With the ultimate aim of integrating gender equality into undergraduate law education effectively, I believe that the different branches of feminist legal theory can provide relevant lenses that law professors and students can and should apply in a flexible way to understand women's perspectives on their statutory rights, as well as how the law can be interpreted to impact women's lives, thereby moving towards substantive gender equality in society.

## Chapter 3. Literature Review

### 3.1. Gender Blindness in Vietnamese Legal Education

In recent years, topics regarding Vietnam's legal education system have attracted increasing discussions from both local and international scholars (N. S. Bui, 2017; Ho, 2016). Research primarily focuses on analyzing the history of its formation and development, as well as its goals, challenges, and potential reforms (N. S. Bui, 2017; Ho, 2016, 2023; Malmberg, 2005; T. H. Nguyen, 2022; T. P. Nguyen et al., 2024). Nevertheless, only a limited number of studies investigate the aspects of gender equality within the context of legal education in Vietnam, although such analysis is essential for comprehensively understanding, articulating, and addressing legal issues related to women or gender (Hai et al., 2022).

Indeed, regarding gender equality, legal education in Vietnam remains in the early stages of addressing this issue due to its political and economic purposes, limitations within the curriculum, and the challenges of insufficient Vietnamese reading materials. Interestingly, political and economic goals have remarkably influenced legal education in Vietnam. The undergraduate law program aims to train judicial personnel for the industrialization, modernization, and establishment of a socialist rule of state law. In accordance with Resolution No. 08/NQ-TW (2002) ("Resolution No. 08"), law students must achieve "strong political views, good moral qualities, and a firm grasp of legal knowledge" (quan điểm chính trị vững vàng, phẩm chất đạo đức tốt, và nắm vững kiến thức pháp luật) (Chapter B, section 3). These requirements help to explain at least three aspects of legal education in Vietnam, including (i) limitations in the development of law training programs, (ii) the potential social impact of law graduates, (iii) the temporary neglect of cultural and social aspects of legal education to focus on its economic and political objectives.

First, legal education in Vietnam tends to be managed strictly as it is considered a political matter of State concern (L. Bui, 2010). From 2005 to 2010, according to Decision No. 29/ 2005/QĐ-BGD&ĐT, LTIs in Vietnam were required to adhere to a standardized framework curriculum for their

bachelor's program in law. This framework curriculum, issued by the Minister of Education and Training, typically outlines eighty percent of the mandatory courses for all undergraduate students, as well as the credit requirements for each course. Since 2010, LTIs in Vietnam have been granted the autonomy to develop their own law curricula (Ho, 2016). However, ideological subjects, such as Socialist Science and History of the Communist Party of Vietnam, Ho Chi Minh's Thought, and Marxist-Leninist Philosophy, must be included and cannot be replaced in the curriculum (Ho, 2016, pp. 78, 79). More recently, the regulatory framework for legal education has continued to shape curriculum design. To respond to the concerns about the quality of law training programs reflected in Decision No. 1056/QĐ-TTg by the Prime Minister, in 2025, the Minister of Education and Training issued Decision No. 678/QĐ-BGDĐT ("MOET Decision No. 678"), regulating the minimum general requirements applicable to all undergraduate law training programs. Accordingly, law programs must consist of at least 120 credits (excluding physical education and national defence education) and follow a structured curriculum comprising general education, foundational and core legal knowledge, and internship or experiential training components. Notably, political theory courses still remain mandatory within the general education component. Furthermore, minimum credit requirements for foundational legal subjects and core legal fields are specified, including constitutional and administrative law, criminal law, civil law, economic law, and international law, which together occupy a substantial proportion of the curriculum. It means that even though universities have some discretion to develop elective courses and organize their programmes, the national standards still guide the overall content and primary focus of undergraduate legal education in Vietnam.

Second, the undergraduate law program in Vietnam is general and interdisciplinary in nature. It is not focused on professional training but rather prepares law students to become judges, lawyers, notaries, prosecutors, and various administrative positions in state offices and socio-political organizations (N. S. Bui, 2017). It should be highlighted that in Vietnam, there is no specific eligibility for

students to enroll in LTIs. Students can enter right out of high school if they pass the national university entrance examinations (Ho, 2016). This suggests that by mainstreaming gender equality into legal education, the spirit of gender equality will have more opportunities to become a reality.

Finally, to fulfill the ambitious goals of the Vietnamese socialist state for the legal education system, LTIs in Vietnam are likely to face the tension of maintaining a balance between a “state ideology that insists on training students to become loyal state officials and a growing social demand for professional skills and globally relevant knowledge” (L. Bui, 2010, p. 300). More importantly, the focus on political and economic goals may be overshadowing cultural and social issues in Vietnamese legal education. In other words, how to ensure that future lawyers and judges have a broad understanding of the specific perspectives and circumstances of women and the cultural context of Vietnam is an issue that has possibly not attracted much attention from policymakers as well as scholars in Vietnam. Until 2022, only a few universities in Vietnam, typically Hue Law University and Hanoi Law University, have introduced a course on the Law of Gender Equality in their curricula, and even then, it is only an elective (Hai et al., 2022).

Reading materials for lectures are another major concern. Law teachers tend to mainly rely on textbooks, rather than casebooks, to teach students (S. Bui, 2017, p. 281). Although not proven by specific statistics, Hai et al. (2022) comment that textbooks are usually copied and modified from legal regulations (p. 191). In addition, while reports and studies point to the rich manifestations of gender inequality in many aspects of life in Vietnam (Institute for Social Development Studies (ISDS), 2015; United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), 2021), from the perspective of legal research, research work on this issue is limited. Hoang (2004) discusses the situation in Vietnam, stating that: “Studies on women are just at a beginning stage. There is still no special discipline on the psychology, sociology, or anthropology of women, and there is still a lack of a thorough and coherent social science theory about women” (as cited in Hai et al., 2022, p. 192). It has

been 20 years since her statement, but it seems that there hasn't been much change in the approach to jurisprudence and legal education on women and gender equality in Vietnam. Research by Hai et al. (2022) argues that researchers often only focus on summarizing and interpreting legal provisions related to gender equality while ignoring the social factors involved in this issue.

Interestingly, feminist legal theorists are not well-discussed among Vietnamese scholars. When evaluating the potential for feminist legal theory to be integrated into legal education in Vietnam, Hai et al. (2022) believe it is achievable for two main reasons. First, there is no fundamental disagreement between Marxism and feminism, as both share a critical perspective and inherently pursue social justice (Hai et al., 2022). Second, feminist criticism seems to solely advance the interests of women and marginalized groups without challenging the leadership of the Communist Party of Vietnam (Hai et al., 2022). However, Vietnamese law professors' perspectives, along with the barriers they may face when integrating gender equality into legal education in Vietnam, have not been fully explored.

In this study, I aim to address this gap by utilizing the global literature. From a contextualist viewpoint, it is crucial to acknowledge that both the challenges and advancements in mainstreaming gender perspectives within legal education differ across regions. Consequently, the findings from research worldwide may not fully reflect the Vietnamese experience. Indeed, in specific contexts, such as North America and parts of Europe, legal education, supported by institutional policies and advocacy, has increasingly integrated gender equality into its curriculum. Conversely, in other regions like Vietnam, these efforts may be prevented by various factors that have not been thoroughly analyzed. Furthermore, the diverse nature of legal systems may result in significant differences in the teaching and learning of law. For example, legal education in common law countries, such as the U.K, Australia, and the U.S, tends to examine more case studies than the practices observed in many civil law nations in Europe and socialist legal systems like Vietnam. Examining real case studies can be regarded as a

practical way to recognize gender inequality and possibly make appropriate recommendations for changing policy. Whereas in Vietnam, law students are often taught theories, abstract concepts and principles instead of analyzing case studies (N. S. Bui, 2017).

Nonetheless, this research merely focuses on how to efficiently integrate gender equality into legal education in Vietnam, particularly recognizing that gender equality is universal and essential for achieving realistic social justice (CEDAW, 2015). Thus, while the question of whether socialist law represents a distinct legal tradition or is simply a subset of the civil legal tradition continues to be debated (Quigley, 1989), this study will not delve into the nature and features of the Vietnamese legal system, nor will it make comparisons with other legal traditions. Instead, this study includes interviews with Vietnamese law professors to explore their perspectives of mainstreaming gender perspectives into legal education, analyze the barriers they might encounter in such processes, and evaluate the extent to which international approaches to gender equality can be applied in the local context. By situating Vietnam within the broader global discourse, this research hopes to contribute to a more nuanced understanding of how gender equality can be effectively mainstreamed into legal education in different settings.

### **3.2. Global Law Professors' Perspectives on Integrating Gender Equality into Legal Education**

Law professors have debated whether to integrate gender equality into legal education and how to identify the most effective methods to achieve this objective. While many support such integration, some professors have expressed concerns or outright opposition. This resistance creates significant challenges for mainstreaming gender equality in law teaching and learning at universities, an issue that will be explored further in the next section of this essay.

This section concentrates on examining law professors' advocacy efforts, emphasizing their perspectives and initiatives aimed at helping students understand how the law interacts with social

power, particularly in shaping women's experiences, and concurrently providing students with legal tools to challenge women's subordination in society. In general, most professors advocating for mainstreaming gender equality into legal education underscore the significance of curriculum reform and innovative teaching methods (Boyle, 1986; Božič, 2021; Morgan, 1987; Mossman, 1985; Rhode, 1992)

### *3.2.1. Curriculum Reform*

Through the lens of feminist legal theory, many law professors concur that updating the law curriculum is crucial for effectively integrating women/gender perspectives into legal education (Field, 1999; Kameri-Mbote & Wekesa, 2018; McArthur & Wooldridge, 2023; Menkel-Meadow, 1992). It is because the objective of this integration extends beyond the inclusion of isolated cases or readings on feminist issues. It involves systematically challenging the traditional framework of legal concepts and doctrines, uncovering gender-based assumptions, and illustrating how feminist analysis can deepen students' understanding of the law. By doing so, students gain insights into how gender dynamics influence legal rules, their interpretation, and their application in real-world contexts (Coombs, 1990; Menkel-Meadow, 1989; Morgan, 1987). More particularly, the absence of a dedicated focus on feminist legal viewpoints means that the law curriculum can continue to portray female law students as "other" (Rhode, 1992), mirroring "the persistent androcentric state of legal knowledge" (Field, 1999, p. 148). It also means that female students' concerns, needs, and experiences can be excluded or expected to be silent due to women's issues and perspectives being regarded as unimportant or irrelevant in the legal field (Field, 1999; Kindschy et al., 2014; Mossman, 1985). The integration of gender equality into the law curriculum, therefore, probably benefits the majority of female law students in a way that allows their voices to be included and respected. Furthermore, mainstreaming gender equality into the curriculum equips future lawyers, judges, and state officers to identify how the law can undermine, silence, and

marginalize women. This approach better prepares legal professionals to comprehend female clients' unique needs and challenges when interacting with the legal system (Field, 1999).

Recognizing the need to improve the law school curriculum, law professors suggest that the curriculum should introduce students to the diverse spectrum of feminist thought, including intersectional perspectives that acknowledge the complex interplay of gender with race, class, and other social categories (Field, 1999; Menkel-Meadow, 1992). Furthermore, law schools should encourage a critical examination of legal doctrines, revealing their gendered assumptions and potential biases, because this can help students recognize how seemingly neutral laws can perpetuate gender inequality (Menkel-Meadow, 1992; Pozzo, 2023).

Law professors also suggest various methods for integrating feminist perspectives into the structure of the law curriculum. First, existing elective courses can serve as a dedicated pedagogical space for law professors to introduce and delve into legal issues based on women's experiences and perspectives (Bakht et al., 2007). For example, an analysis of Islamic legal education curricula in Indonesia shows that *Family Law and Gender* and *Islamic Law and Human Rights* are optional courses for law students (Triana & Karmilah, 2019). Also, some Canadian law schools offer electives like *Women and the Law*, *Law and Poverty*, *Law and Sexuality*, and *Racism and the Law*, which inherently draw on feminist legal theory to examine how gender intersects with other forms of inequality and oppression (Bakht et al., 2007).

Additionally, new law programs or workshops specializing in gender issues can provide a more comprehensive examination of how legal doctrines shape gender inequality and strategies for achieving gender equality through law (Morgan, 1987). Programs like *Law and Gender* at La Trobe University and the University of New South Wales analyze global gender inequality through theoretical frameworks, moving beyond simply delivering "a grab bag of women's issues" (Morgan, 1987, p. 757).

Nonetheless, when discussing law education in several countries such as Australia, the U.S., Canada, Indonesia, and Kenya, some law professors raised concerns that elective courses focused on feminism and gender might become marginalized or even disappear from the broader law school curriculum (Balos, 1992; Kameri-Mbote & Wekesa, 2018; Mossman, 1985; Triana & Karmilah, 2019). Kameri-Mbote and Wekesa (2018), along with Field (1999), note that these elective courses are generally offered in the later years of a law degree, indicating that not all law students will have the opportunities to experience these topics. Importantly, women who often choose these gender-focused electives may face stigmatization, implying that these topics are not central to legal education. In addition, those opting for these courses typically already have an interest, so the content may not engage students who are resistant or unaware of gendered legal issues (Coombs, 1990; Field, 1999; Kameri-Mbote & Wekesa, 2018).

To address this, law professors advocate incorporating feminist and gender perspectives into mandatory core courses, such as *Contracts*, *Torts*, *Constitutional Law*, *Criminal Law*, *Property Law*, and *Civil Procedure* (Božič, 2021; Coombs, 1990; Field, 1999; Kameri-Mbote & Wekesa, 2018; Vujadinovic, 2015). This systematic integration ensures that feminist analysis is not confined to isolated courses; rather, it transforms the foundational understanding of legal concepts while challenging students' assumptions and biases. For example, Coombs (1990) argues that "rape is a field in which a lot of students come to law school with prejudices and stereotypes. If these things are not confronted, they will continue to exist" (p. 519). Thus, Coomb (1990) asserts that a sexual abuse and harassment unit course can help students discover the sexual nature of the crime, thereby improving their ability to engage critically with sensitive legal issues.

Some law professors highlight that reading materials serve as an essential tool for incorporating women's perspectives into the legal education system (Coombs, 1990; Field, 1999; Morgan, 1987). This is because many legal materials, including casebooks, are written from a male perspective and often

fail to consider the experiences and viewpoints of women (Field, 1999). The use of supplementary materials can introduce feminist perspectives that question the objectivity and neutrality of law, challenge the traditional male-dominated legal canon and render women visible in legal education (Field, 1999; Morgan, 1987). Furthermore, by including readings that highlight the “maleness” of legal standards and values, law professors can encourage students to think critically about the law and how it perpetuates systems of inequality (Kameri-Mbote & Wekesa, 2018). Also, narratives emphasizing the experiences of marginalized groups, such as women of colour, individuals with disabilities, and LGBTQI+ persons, cultivate empathy and deepen students’ understanding of the intersectional aspects of feminist legal theory (Bakht et al., 2007).

### *3.2.2. Innovative Teaching Methods*

Pedagogical reforms are equally important for effectively integrating gender equality into legal education. Pozzo (2023), Mossman (1995), and Kindschy et al. (2014) indicate that traditional legal education frequently employs the Socratic method, supports authority and hierarchy in classroom settings, transfers concepts of law as simple information, and focuses on abstract, neutral reasoning concerning clients and cases. These approaches are often seen as hostile to women and other marginalized groups, perpetuating patriarchal norms because of neglecting the social context and impact of legal decisions (Balos, 1992; Bashi & Iskander, 2006; Deo et al., 2010; Menkel-Meadow, 1988; Neufeld, 2005; Pozzo, 2023).

Indeed, numerous studies indicate that feminist law professors express critical perspectives regarding the Socratic method. While this method may offer certain advantages for specific aspects of legal training, it poses considerable challenges, particularly for female law students, frequently resulting in experiences of intimidation and alienation (Bakht et al., 2007; Neufeld, 2005; Kindschy et al., 2014). The Socratic method’s emphasis on public questioning frequently results in more remarkable silence during law classes, potentially indicating a lack of confidence in many female students and thereby

amplifying the confidence gap between male and female students (Neufeld, 2005). The combative and antagonistic nature of the Socratic method, which is often described as “Socratic kung fu” (Garner, 2000, p. 1601), can create a sense of heightened performance and confrontational pressure for female law students (Neufeld, 2005; Rhode, 1992). As a result, these students often feel discomfort in the classroom, which can lead to disengagement and feelings of isolation, ultimately preventing their learning motivation and academic development (Kindschy et al., 2014; Pozzo, 2023).

To tackle these challenges, law professors promote a respectful and collaborative classroom atmosphere (Balos, 1992; Kameri-Mbote & Wekesa, 2018; Mossman, 1995; Pozzo, 2023). Law professors neither endorse a single best teaching model nor aim to eliminate the Socratic method because such extreme approaches fail to resolve the root issues and may, in fact, reinforce gender stereotypes (Bashi & Iskander, 2006). Instead, they propose replacing rigid Socratic methods with “true” Socratic dialogue, in which professors adopt a midwife role to facilitate constructive discussions (Garner, 2000). Moreover, feminist pedagogy with alternative teaching strategies, such as storytelling and problem-based learning, can cater to various learning preferences and foster a more inclusive educational atmosphere, mutual respect, shared leadership, and the integration of cognitive and emotional learning (Balos, 1992; Bashi & Iskander, 2006; Kameri-Mbote & Wekesa, 2018; Pozzo, 2023; A. Shalleck, 2003). By challenging abstract legal reasoning, these teaching strategies can assist women and other marginalized minorities in raising their awareness of the value of personal experiences and emotions, comprehending the law’s impact on individuals’ lives, and expressing their concerns within law schools (Balos, 1992; Mossman, 1995).

Some law professors in countries such as the U.S., Canada, Serbia, and Turkey pay particular attention to clinical programs and suggest that these programs provide a particularly effective platform for integrating gender equality into legal education. By allowing students to work directly with marginalized communities, clinical education gives students more chances to improve their

collaboration, empathy, and contextualized learning, helping them critically examine how legal frameworks perpetuate gendered inequalities (Bakht et al., 2007; Mossman, 1985, 1995). Clinics like *Gender and the Law* focus on cases of domestic violence and gender discrimination, enabling students to confront the real-world implications of gendered power dynamics and develop reflexivity in their legal practice (Uygur & Özdemir, 2021; Vujadinovic, 2015). This experiential learning fosters an understanding of how the law interacts with societal power structures, an approach often described as “legal archaeology” (Menkel-Meadow, 1992; A. Shalleck, 2003). By providing practical training and opportunities for critical reflection, clinical programs can play a vital role in shaping the next generation of lawyers who are committed to promoting equality and non-discrimination in the legal profession (Odigie-Emmanuel, 2018).

In summary, incorporating gender equality into legal education involves comprehensive curriculum changes and creative teaching approaches. Modifying legal curricula to include feminist viewpoints allows students to develop a deeper understanding of gendered power relations within the legal system. Techniques like storytelling and problem-based learning effectively counteract the constraints of conventional teaching methods, creating more inclusive and empowering classroom settings. Additionally, clinical programs further reinforce these initiatives by providing students with hands-on experience in feminist legal theory applications in real-world scenarios. Collectively, these strategies equip future legal professionals with the critical tools needed to challenge systemic inequalities and promote gender equity in their practice.

### **3.3. Global Challenges to Mainstreaming Gender Equality into Legal Education**

Integrating gender perspectives into legal education confronts obstacles from law professors, students, and the lack of diversity in law universities.

### 3.3.1. *Law Students' Resistance*

Resistance from law students, particularly male students, can hinder the integration of gender equality into law education. First, one of the main reasons influencing some male (white) students' failure to enrol in courses regarding gender or race is that they may not perceive themselves as gendered or raced individuals possessing male heterosexual privilege, along with other gender influences in their lives (Kimmel, 1990 as cited in Bakht et al., 2007). Failing to recognize this limits their comprehension of feminist viewpoints intended to highlight and challenge the power imbalances and systemic biases that advantage men.

Besides that, some law students, particularly men, might view the legal profession as a status profession and fear that the inclusion of women or a focus on gender issues will diminish the profession's exclusivity and prestige (Bean, 1989). They may believe that the overrepresentation of men is part of the status of the profession and that any changes to this may threaten the value of their degree and somehow undermine their future success (Bean, 1989).

Furthermore, feminism's challenge to the traditional understanding of law as objective and neutral can be disconcerting, particularly for students dedicated to maintaining the status quo (Bakht et al., 2007; Mossman, 1985). These students may also feel that feminist pedagogy applied in law classrooms is deviant or incomprehensible and that they are uncomfortable with it (Mossman, 1995). Consequently, they have a tendency to exhibit a form of backlash against feminism, especially when feminist legal theory compels them to confront complexities arising from challenging realities about how the legal system sustains gender inequality (Bakht et al., 2007).

Fourth, some students pursuing corporate law or other male-dominated legal areas may find feminist perspectives irrelevant to their professional goals (Bakht et al., 2007). Such students often prioritize courses that are more directly relevant to their chosen legal fields, such as business law, over those that address social justice issues, like feminist legal theory. This perception is further perpetuated

by the legal profession itself, where courses focusing on social justice are frequently regarded as less valuable than those emphasizing corporate law or litigation (Bakht et al., 2007)

Finally, students may avoid engaging with gender perspectives due to concerns about being negatively perceived by future employers (Bakht et al., 2007). The legal profession, especially in certain fields, may still hold biases against those who identify as feminists or advocate for gender equality. Students might worry that voicing feminist opinions or enrolling in courses on feminist legal theory could adversely affect their job opportunities or career growth.

The resistance from some law students further underscores the need for comprehensive strategies to integrate gender perspectives into legal education. This can offer hope for increased awareness of the importance of law in championing gender equality in all aspects of life (Variath & Khare, 2022).

### *3.3.2. Concern and Resistance from Law Professors*

Many law professors are reluctant to integrate gender perspectives into legal education. Three primary reasons seem to underpin this hesitation. First, some law professors cling to the belief that law is objective and neutral, viewing feminist perspectives as ideologically biased and incompatible with this traditional view (Deo et al., 2010; Mossman, 1985). They contend that feminist legal theory is frequently ignored due to its supposed lack of academic rigour or because it relies on ideas and emotions they view as “irrational” or “unscientific” (Field, 1999). Some other professors might not realize the historical and continuous impacts of the law on women and other gender minorities in various ways (Field, 1999; Kameri-Mbote & Wekesa, 2018). This dismissal reveals a broader resistance to recognizing the validity and importance of feminist legal theory in uncovering the inherent biases and power imbalances within the legal system. Such resistance may stem from a reluctance to confront the shortcomings of the existing legal system, perpetuating an uncritical adherence to established legal doctrines. This strict adherence is concerning because it limits students’ ability to critically examine how the law affects

diverse communities, thereby fostering a narrow and exclusionary legal discourse (Deo et al., 2010; Morgan, 1987).

Another reason for the resistance from law professors may stem from a misconception of civility or a fear of “political correctness,” as indicated by Goodman (2008), which urges law professors to avoid discussing potentially sensitive topics like race and gender, choosing instead to concentrate solely on “black letter law” (Deo et al., 2010). This avoidance not only limits students’ grasp of the law’s broader social and political context but also perpetuates a legal education that is detached from the real experiences of numerous individuals and communities (Deo et al., 2010; Morgan, 1987).

Finally, it should be noted that many law professors may lack training and awareness regarding gender-inclusive teaching, which leads to their confusion about how to apply feminist legal theory and gender perspectives in classrooms (Deo et al., 2010; Mossman, 1995; A. Shalleck, 2003). Without proper training, law professors may struggle to recognize their own biases and how these biases may impact their teaching methods and interactions with students. They also may be unable to recognize how gender bias manifests in legal materials or classroom discussions (Božič, 2021). They often uphold the belief that law schools operate as meritocratic institutions free of gender stereotypes (Wald et al., 2012). Another challenge arises from law professors who are unfamiliar with feminist legal theory. Some may not understand how to apply feminist legal theory to their courses and may, therefore, treat it merely as an add-on to their teaching (Božič, 2021; Kameri-Mbote & Wekesa, 2018). Importantly also, many professors are trained in traditional teaching methods and may not be aware of more interactive or gender-responsive teaching techniques (Catelani & Stradella, 2014; Pozzo, 2023). They may continue using the Socratic method while feeling uncertain about how to manage sensitive discussions on gender-related topics. This can lead to discomfort or avoidance of both their students and themselves (Gerber & O’Hara, 2019).

### 3.3.3. *Lack of Diversity in Law Schools*

Another obstacle to integrating gender equality into legal education stems from the lack of diversity in law schools. Indeed, many studies have pointed to the overrepresentation of white male law professors, which can lead to a narrow range of views expressed in the classroom because these professors tend to be less involved in discussions related to various sensitive topics such as race and gender (Coombs, 1990; Deo et al., 2010).

Besides that, the underrepresentation of women and individuals of colour within law faculty creates significant challenges for female students, particularly women of colour, in locating mentors and role models who can offer guidance and support (Bashi & Iskander, 2006; Pozzo, 2023). Numerous legal scholars highlight the importance of mentorship for students regarding their academic success, career decisions, and general satisfaction with their law school journeys (Bashi & Iskander, 2006; Pozzo, 2023). However, when looking for mentors, students tend to seek individuals with similar life experiences (Bashi & Iskander, 2006). Female faculty members, thus, are often overwhelmed with mentorship requests from female students, as female faculty members are perceived as more accessible and knowledgeable about the challenges female students face in law schools. This can lead to burnout among female faculty members, limiting their ability to concentrate on academic research (Bashi & Iskander, 2006).

Whereas the absence of female role models in leadership roles can further reinforce the message that women do not belong in the legal field (Deo et al., 2010; Homer & Schwartz, 1989; Pozzo, 2023), the lack of diversity in law schools can also create a chilly climate for female students, especially students of colour, who frequently feel marginalized or even harassed (Backhouse et al., 1995; Bakht et al., 2007; Homer & Schwartz, 1989; Uygur & Özdemir, 2021). As a result, this might contribute to

reduced participation in class among female students, their self-doubt, and growing disillusionment with the legal profession (Homer & Schwartz, 1989; Pozzo, 2023).

After all, the lack of diversity in law schools can hinder the integration of gender equality into legal education in a way that law schools themselves are less likely to be diverse and inclusive learning environments, where the voices and presence of both female law professors and law students in universities tend to be marginalized, isolated, or silenced.

## **Chapter 4. Methodology**

This study aims to explore how law professors in Vietnam perceive and integrate gender equality into their teaching. I opted to use qualitative interviews to achieve this. In the following sections of this chapter, I will explain why I selected this method and describe how I collected and analyzed the data to ensure the integrity and reliability of the research outcomes.

### **4.1 Qualitative Research Design and Ontological Perspective**

My approach to this thesis is influenced by my ontological stance, which aligns with social constructionist theories that hold that individuals' perspectives and understandings are shaped through social interactions within specific contexts (Andrews, 2012). Accordingly, I recognize that Vietnamese law professors' perceptions of gender are shaped not in isolation but through their professional education, institutional settings, and the broader social context of Vietnam.

Consistent with this ontological position, I have chosen a qualitative research design, which enables me to maximize insights from participants' authentic experiences and to explore the complex social factors underlying their viewpoints (Creswell & Guetterman, 2025). My study relies on both primary and secondary data sources. Secondary data are mainly collected through a review of available course outlines and information on the participation and learning outcomes of female law students on the websites of Vietnamese LTIs, underscoring these schools' concerns about gender inequality. The Vietnamese Constitution and relevant legal provisions on gender-specific issues will also be analyzed to assess how the Vietnamese government's commitment and support are reflected in the national legal system. Academic studies examining gender stereotypes in Vietnamese culture and their potential impact on the interpretation of legal provisions regarding women's rights will be reviewed. Journal articles and reports concerning Vietnam's legal education system, particularly focusing on gender equality in this context, will also be examined. As presented in the literature review section, given the scarcity of research on gender equality in legal education in Vietnam, international data on law

professors' perspectives and the challenges they face when integrating gender equality into legal education will also be collected and investigated. While international literature provides a valuable foundation, this study remains focused on the Vietnamese experience, specifically within a socialist legal tradition where law students are traditionally taught abstract concepts rather than case studies. I understand that mainstreaming gender equality into legal education is not universal but varies significantly across regions.

Considering the nature of my target phenomenon (i.e. perception and experience), I followed Strauss and Corbin's advice (1998), explaining that "qualitative methods can be used to obtain the intricate details about phenomena such as feelings, thought processes, and emotions that are difficult to extract or learn about through more conventional methods" (p.11). More specifically, to fill in the gaps identified in the literature review, I collected qualitative data through semi-structured in-depth interviews, which Fontana and Frey (2000) describe as "one of the most common and powerful ways in which we try to understand our fellow human beings" (p. 645). This design acknowledges that the "truth" about teaching gender equality in the classroom is subjective and varies with the professor's unique professional background and social reality. By grounding the methodology in social constructionism and qualitative inquiry, this research aims to move beyond surface descriptions and to offer a nuanced analysis of how gender perspectives are negotiated and taught in the specific context of Vietnamese legal education.

#### **4.2 Participant Selection and Recruitment**

To ensure the data collected is both relevant and deeply informed by professional experience, participants in this study were selected based on specific inclusion criteria. At first, I intended to recruit from four (4) to six (6) law professors, with an equal balance of male and female participants. To meet the requirements for this study, participants had to currently teach law at a multidisciplinary university in southern Vietnam and have at least three (3) years of teaching experience. This experience level

enables participants to understand how institutions operate and what the curricula cover, thereby contributing meaningful insights on the research topic.

Regarding the recruitment process, I contacted potential participants through official email and phone calls. Initially, I reached out to some law professors I knew from my professional background. Then, I used a snowball sampling method to recruit additional participants through the professional networks of my initial contacts. Interested individuals received an information letter (see Appendix A) and a consent form (see Appendix B) via email.

As a former law lecturer in Vietnam, personally familiar with some participants, I have implemented specific ethical safeguards to prevent any sense of pressure or power imbalance. I used neutral recruitment messages, emphasizing that participation is completely voluntary and that choosing to participate or not will not affect current or future professional relationships. Also, from the beginning, participants are informed that they may withdraw from the study without penalty or consequence within four weeks of their interview.

My final participant pool consisted of six (6) Vietnamese law professors, three (3) males and three (3) females, aged 28 to 60. There were three (3) participating professors with more than 10 years of teaching experience, one (1) with 5-10 years, and two (2) with 3-5 years. The least experienced was a male professor with 3.5 years, while the most experienced was a female professor with 36 years. In total, two (2) professors have completed the doctoral program, three (3) are doctoral students, and one (1) has a master's degree. All six (6) law professors hold bachelor's degrees in law in Vietnam. However, of the six (6) law professors, three (3) have received master's and/or doctoral training abroad, and the remaining three (3) have received master's and/or doctoral training in Vietnam. The subjects that professors are in charge of are also diverse. See Appendix D for participant characteristics.

### 4.3 Interview Procedures

Data were gathered using a semi-structured interview method. The interview questions were designed to be open-ended, encouraging participants to discuss topics in greater depth and detail based on their personal experiences (Bryman, 2012; Roulston, 2010). Moreover, a semi-structured interview offers a significant balance between flexibility and rigour (Roulston, 2010). While the topic and main questions were predetermined, I also prepared to pose follow-up questions, known as probes, depending on participants' answers (Brinkmann, 2013).

To ensure full compliance with ethical standards, six semi-structured, in-depth interviews with participants were conducted in Vietnamese only after all institutional ethical approval procedures were completed. Due to the geographic locations of the six participants, all interviews took place remotely using Microsoft Teams Outlook, lasting between 1,5 and 2 hours. The interview questions, which focused on law professors' perceptions and practices regarding mainstreaming gender equality into legal education, as well as the challenges they encountered when introducing gender-related issues into their classrooms, are provided in Appendix C. I let participants direct the discussion as much as possible and posed neutral questions to prevent biasing their viewpoints. When they expressed their opinions, I sought additional clarification without passing judgment, even when I disagreed with what they said. As I was familiar with these law professors before conducting this research and had firsthand experience as a law lecturer in Vietnam, I view the data obtained during my interviews as a collaborative effort between the interviewees and myself, the interviewer (Brown & Danaher, 2017).

Each interview was audio-recorded with participants' approval. The recorded material was transcribed verbatim. I used Microsoft Teams' recording and transcription features, then personally double-checked the transcriptions to make sure they were accurate.

#### **4.4 Data Analysis**

Data were analyzed using both deductive and inductive thematic analysis approaches, enabling the identification of key patterns and themes to address the research questions (Liamputtong, 2012). The coding process began with conceptual frameworks informed by key literature on feminist legal theory and gender integration in legal education. Then, new inductive codes emerged directly from reading and reflecting thoroughly on each interview transcript. These codes were subsequently organized into thematic clusters to generate a comprehensive thematic map (Braun & Clarke, 2006), allowing me to gain a nuanced synthesis of law professors' perceptions, professional experiences, and challenges they encounter.

Key quotations and identified codes were entered into an Excel file for systematic data management. All identifying information of participants, including names, institutional affiliations, and specific references, was promptly removed and replaced with pseudonyms or general descriptions to protect participant privacy. Because the interviews were in Vietnamese, I employed ChatGPT to translate the key quotes into English, then reviewed the translations to confirm they accurately represent the original content. Finally, my thesis supervisor examined the emerging coding patterns, and my findings report. By adhering to the data analysis process, I am confident that this research will demonstrate rigour and that the findings will be regarded as trustworthy.

## Chapter 5. Findings and Discussion

My findings are organized and analyzed around three main themes: Vietnamese law professors' perceptions of gender equality and its significance in legal education; their experiences in mainstreaming gender equality in their teaching; and the challenges they encounter in attempting to incorporate gender equality into Vietnamese legal education. To enhance analytical coherence, the chapter is structured to begin by examining the structural and pedagogical limits within which law professors operate, followed by their recognition of the importance of gender equality, and concluded with an analysis of how gender equality is negotiated and introduced in classroom practice.

### 5.1. Barriers to the Integration of Gender Equality into Vietnamese Legal Education

This section explores the obstacles to integrating gender equality into undergraduate legal education in Vietnam, drawing on interviews with six Vietnamese law professors. Analysis of the data reveals that these barriers operate across multiple levels, including institutional and structural arrangements, academic and pedagogical practices, and broader cultural and ideological contexts. Instead of acting independently, these barriers are intertwined, collectively influencing how gender equality is approached, valued, and mainstreamed in law curricula. They create a learning environment in which gender equality is often seen as optional, marginal, or symbolic rather than a core value and fundamental part of legal education.

#### 5.1.1. *Institutional and structural barriers*

Interview data from Vietnamese law professors identifies three interrelated obstacles operating at the institutional level: *(i)* the absence of gender equality in officially mandated learning outcomes, *(ii)* curriculum overload and time constraints, and *(iii)* the lack of systematic monitoring and feedback mechanisms. These factors, together, have shaped not only what might be included in the curriculum but also how gender equality has been framed, prioritized, and ultimately practiced in law classrooms.

#### 5.1.1.1. *Absence of Gender Equality in Official Learning Outcomes*

One of the most significant barriers to integrating gender equality into legal education in Vietnam is that the MOET Decision 678 does not require gender equality outcomes. As the highest-level legally binding document directly governing undergraduate legal education curricula, the absence of any requirement on gender equality in the program's learning outcomes leads to several systemic consequences. First and most notably, individual courses often omit gender-related issues by failing to include gender equality in their course learning outcomes. As Professor PI-01 explained: "The program learning outcomes stipulated in the MOET Decision No. 678 do not include gender equality. Thus, gender equality is not incorporated into the learning outcomes of individual courses." Also, according to Professor PI-03's observation: "gender equality is rarely mentioned in current course syllabi, particularly in policy-oriented subjects..., such as Constitutional Law, Administrative Law, and Criminal Law, and not reflected in the learning outcomes of these subjects." As a result, the integration of gender-related content depends almost entirely on individual lecturers' personal interests, awareness, and sensitivity, rather than on a systematic approach. As Professor PI-04 stated: "In practice, however, the integration of these issues into course content remains largely discretionary... At present, it depends on individual instructors, whether and how they choose to share certain perspectives during their teaching time." Agreeing with her, Professor PI-01 also emphasized that teaching gender-related issues "depends entirely on the individual instructor; it is done spontaneously rather than through any collective discussion, as it is treated as something specific to each individual class session." Even in the case of gender issues being taught in the classroom, according to Professor PI-06's analysis, "because gender equality is not specified in the learning outcome requirements, gender-related issues are only mentioned or compared in passing, rather than being examined in depth."

Furthermore, several professors noted that the MOET Decision No. 678 is not only a regulatory framework but also serves as an institutional "excuse" for program directors and faculty leadership to

justify the exclusion of gender equality from the curriculum. For example, Professor PI-02 explicitly described the MOET Decision No. 678 as a convenient justification cited by academic leaders to block curricular integration:

At times, this becomes an excuse for department heads or program directors. For example, if I want to integrate a particular content area into a course because I find it valuable and necessary, the program director or faculty leadership can easily respond that, since it is not mentioned in the Ministry's decision, it should not be included. Thus, I would consider this to be a form of barrier.

Professor PI-03 further emphasized:

If department heads or program directors wish to incorporate gender equality content into the curriculum, they must first consider whether the program has been approved by the Ministry of Education and Training. Therefore, any meaningful change would need to occur at the highest level of leadership, the level with the authority to make policy and institutional decisions. All levels below are primarily responsible for implementation.

While individual lecturers may perceive gender equality as relevant or necessary, the power to make decisions seemed to remain centralized, and leaders tended to prioritize compliance with the MOET's requirements in Decision No. 678 over pedagogical innovation.

#### *5.1.1.2. Curriculum overload and time constraints*

Across interviews, law professors consistently described the Bachelor of Laws curriculum as structurally overloaded, making it difficult to mainstream gender equality in Vietnam's program, whether as a standalone, mandatory or elective subject, or through systematic integration into existing

courses. First, the option of establishing a standalone course on gender equality or gender and law is widely regarded as impractical. Indeed, at the institutional level, the MOET Decision No. 678 plays a pivotal role in shaping curriculum design. Although this legal framework is formally presented as a minimum standard, interview data suggest it is widely interpreted as a de facto maximum, discouraging educational institutions from adding new compulsory content. As Professor PI-01 explained, “Within the Ministry of Education’s model curriculum framework, that subject (gender equality) is simply not identified as a compulsory course. The compulsory subjects are already clearly listed, and therefore, we are required to comply.” This compliance logic significantly narrows curricular discretion, especially in a context where institutions compete on program length and workload efficiency. Providing further explanation, Professor PI-03 said: “Undergraduate law programs previously lasted four or even four and a half years, many have now been reduced to three and a half years, and in some cases only three years, despite the fact that the volume of legal knowledge, both theoretical and practical, remains very large.” Professor PI-06 agreed with Professor PI-01 and PI-03, saying that:

If we look at the current Bachelor of Laws curriculum in Vietnam, I would argue that universities are closely adhering to what is defined as the minimum required content, that is, the minimal core of an undergraduate law program. Within a limited structure of seven semesters and approximately 120 credits, the curriculum is already operating at this minimum threshold. Under these conditions, adding any additional content becomes extremely difficult.

It also means that the chances of gender equality becoming an elective subject are not much better. The obvious reason is that “designing a Bachelor of Laws program in Vietnam today leaves very little room for creativity on the part of law faculties” (Professor PI-05). In cases where gender equality is recognized as important, it still has to compete with mandatory non-law subjects. As Professor PI-05 noted, “So many subjects are already compulsory, Marxism-Leninism, national defence, and others, that there is

simply no time left to squeeze anything like that (gender equality) into the program.” From this perspective, curriculum overload isn’t just about having too many law subjects; it’s also about a broader issue of structural crowding that pushes aside important themes like gender equality.

Even when gender-related content is incorporated into existing courses, law professors described this integration as illustrative rather than substantive. One professor noted: “It’s impossible for me to go into theory in any depth... it’s just isolated examples used to illustrate other legal topics possibly related to gender issues” (Professor PI-01). Similarly, another professor explained that gender equality often receives only a brief mention within tightly scheduled lectures: “Thirty to forty-five minutes are allocated for the entire set of principles (governing the procedure for establishing and promulgating legal regulations in Vietnam), not specifically for gender equality” (Professor PI-02). It means that law professors often treat gender equality as peripheral rather than foundational in their teaching. In this way, curriculum overload and time scarcity not only restrict the inclusion of gender equality but also shape its pedagogical form, reinforcing its marginal status within legal education.

Overall, the interview data suggest that curriculum overload and time constraints function as structural barriers to integrating gender equality into legal education, either as a standalone subject or as a component of current subjects. Central to this constraint is the way national curriculum standards were interpreted and operationalized at the institutional level. In a curriculum already dominated by policy requirements, gender equality is unlikely to secure a stable, meaningful space. This helps explain why, despite increasing awareness of its importance, gender equality is likely to remain marginal in Vietnamese legal education.

#### 5.1.1.3. *Lack of monitoring and feedback mechanisms*

In addition to leadership constraints, professors highlighted the absence of systematic monitoring and feedback mechanisms as a major barrier to ensuring that gender equality content was efficiently taught in practice, even when formally included. Professor PI-02 explained:

It is difficult to assess whether gender equality content is actually taught. Even when program directors include it in the course learning outcomes, lecturers may not teach it in practice... This is not a closed or coherent process; it has not been institutionalized or formalized as a standardized procedure.

He stressed that integration without monitoring is ineffective: “Such integration must be accompanied by content supervision and follow-up monitoring in order to be effective. Without monitoring, it ultimately leads nowhere.” He further illustrated how current feedback practices are informal and insufficient, contrasting them with more structured models he had experienced abroad:

Program directors may receive informal feedback from students, but this does not constitute an in-depth or systematic evaluation... When I studied in the Netherlands, there were open feedback sessions after each teaching period, during which students were invited to participate in frank discussions about the curriculum.

Without institutionalized monitoring and accountability mechanisms, gender equality content remains symbolic and may be ignored in classrooms, even when it appears in official documents.

### *5.1.2. Academic and pedagogical barriers*

This section examines academic and pedagogical challenges that have significantly hindered the incorporation of gender equality into Vietnamese legal education. These barriers stem from deficiencies in expertise, institutional resources, and professional training, which in turn shape fragmented, overly cautious, and inconsistent pedagogical approaches to gender-related legal issues.

#### *5.1.2.1. Lack of expertise, resources, and training*

The data reflect that one of the main issues preventing the incorporation of gender equality into Vietnamese legal education is the shortage of resources. As Professor PI-01 explained: “resources are very limited... Mainstreaming gender equality requires funding and time to study the relevant theories, conduct research, and develop teaching cases.” She also pointed out that the lack of lecturers with formal training or specialization in gender equality discouraged the development of curricula that incorporate legal issues related to gender at both the faculty and institutional levels.

At present, we do not even have lecturers who are formally trained or specialized in teaching gender equality, so it is difficult to argue that such a course could be introduced... Because lecturers are not specialized in this area, they rarely propose integrating this content into the curriculum... (Professor PI-01)

The lack of expertise is likely to create a self-reinforcing cycle: without expertise, proposals are rarely made; without proposals, gender equality remains excluded from the curriculum.

The absence of formal training programs on gender equality exacerbates this gap in expertise. It is increasingly unrealistic to expect law professors to participate in detailed discussions or conduct comprehensive research on gender issues. In reality, interviewees often avoided or felt hesitant about

gender-related topics because they lacked proper training to build strong subject knowledge and develop the pedagogical skills needed to handle classroom situations during their teaching. As Professor PI-03 observed: “Because I have not been trained in gender-related fields, I do not have the capacity to manage intense debates on such sensitive issues that fall outside my area of expertise.” Similarly, Professor PI-01 stated: “When lecturers do not have a solid grasp of the subject matter, they tend to feel hesitant and insecure about engaging with it.”

Therefore, the scarcity of resources such as expertise, funding, and training programs for lecturers not only limits the integration of gender equality into the Vietnamese law curriculum but has also influenced law professors' perceptions, leading them to avoid engaging in gender-related discussions. These aspects will be examined in more detail in the next section.

#### *5.1.2.2. Pedagogical insecurity and fear of controversy*

A recurring theme across interviews is pedagogical insecurity and fear of losing instructional control. In particular, when teaching about legal issues related to gender, some law professors expressed concerns about emotional sensitivity and classroom conflict. For example, Professor PI-03 openly acknowledged his reluctance to engage in more challenging conversations due to a lack of confidence in those areas. He said: “I do not dare to engage with discussions at such a level of tension...” Similarly, Professor PI-05 described a strategy of avoiding discussion of legal issues related to gender, especially when gender is not explicitly required by the course content: “Otherwise, it may be better for us to avoid it (gender topics) altogether.” Furthermore, he expressed concern that such discussions might generate perceptions of bias in the university classroom: “At times, it can create a feeling that, within the university environment, there are certain ideas being promoted that do not genuinely treat different genders equally.” He also linked this avoidance to his awareness of sexual and gender diversity

among students, emphasizing emotional harm caused unintentionally by gender-related discussions. He explained:

I am aware that there are students in my class who identify as a third gender... and in such cases, avoiding the topic may sometimes be the better option... Depending on an individual's level of sensitivity, they may become emotionally affected by these issues.

As a result, instead of engaging substantively with in-depth discussions on gender, Professor PI-05 consciously limits his teaching topic to a "safe" level where gender equality was often reduced to brief mentions of abstract principles: "So we simply mention it (gender) at the level of general legal principles, and that is sufficient."

Unlike a lack of expertise or resource scarcity, the fear of controversy is invisible and hard to recognize. However, interview data shows that it plays an essential role in transforming gender equality from a topic for critical inquiry into a risk to be managed or avoided. This fear, combined with a lack of training, led law professors to prioritize classroom harmony, reinforcing a treatment of gender issues as optional, marginalized, and superficial.

### *5.1.3. Cultural and ideological barriers*

Cultural and ideological barriers, including gender stereotypes, ideological constraints within legal epistemology, and market-driven ideologies in legal education, have particularly impeded the integration of gender equality into Vietnamese legal education. This section will analyze how this progress has unfolded.

#### 5.1.3.1. *Ideological constraints in legal epistemology*

The current limitations of legal epistemology in Vietnam have been identified as a contributing factor to why gender equality is rarely studied, or, when it is taught and discussed in the classroom, it is treated less profoundly. Indeed, the approach to legal teaching in Vietnam is primarily based on legal texts and is purely doctrinal, far from the empirical feminist approach of feminist legal theorists, which emphasizes women's perspectives. Professor PI-05 affirmed: "In Vietnam, studying law on paper is mainly... it is very rare to have empirical studies..." Although he found that "Studying the law on paper... does not make much sense for a Vietnamese researcher," Professor PI-05 also acknowledged that conducting empirical research is very difficult. As a result, students may encounter challenges in finding opportunities to engage in critical gender analysis.

In addition, the academic environment, which does not prioritize the development of legal theories, may be unable to nurture feminist legal theory. As Professor PI-05 observed: "In the context where legal theories in Vietnam remain underdeveloped, feminist perspectives likewise receive very limited attention within the legal academic community... Feminist legal theory is just as marginal and weak as other legal theories."

#### 5.1.3.2. *Market-driven ideology in legal education*

The integration of gender equality into Vietnamese legal education could be hindered by its market-oriented priorities and broader national development agendas. From a macro perspective, some professors, such as Professor PI-03 and PI-05, explained why gender equality should be framed as peripheral rather than central to Vietnamese legal training programs: "Gender equality is not currently a national priority for Vietnam; rather, the country's pressing concerns lie in administrative reform and the development of a market-oriented economy" (Professor PI-05).

Furthermore, whereas many law professors recognized the importance of teaching gender-related legal issues, they also had to admit that gender equality was difficult to prioritize compared with other subjects and legal issues that would make it easier for graduates to secure jobs: "There are more topics that are needed... That is, after graduating, students can go to work immediately... That will be the one to help compete (with other educational institutions)" (Professor PI-04). Supporting Professor PI-04's views, Professor PI-03 also confirmed that gender issues are only really needed later, when students have entered the labour market, where gender inequality is clear: "Gender and gender equality tend to be addressed only after students enter the labour market... because the current legal labour market is a space marked by significant gender inequality. In this market, the dominant group, men, constitutes the majority."

Thus, it is evident that law curricula are increasingly influenced by market-driven priorities, focusing on economic growth and job prospects rather than justice-related issues. This might create an endless circular logic in which market principles are internalized in legal education, leading to the exclusion of gender equality topics from curricula and further embedding inequality in the labour market.

#### *5.1.3.3. Gender bias and social norms*

Many law professors acknowledged ingrained gender stereotypes in educational hierarchies, generational beliefs, and daily legal practice, all of which implicitly undermined efforts to incorporate gender equality into Vietnamese legal education. First, Professor PI-02 demonstrated clear gender stereotyping among his colleagues, though he faced no formal or direct resistance from them during the faculty meetings. This revealed a contradiction between the formal discourse of gender equality and the daily academic culture:

I have heard from many students... through everyday conversations, that there are quite a number of lecturers who are strongly gender-discriminatory, believing that men should behave in certain ways and women in others. I can sense a lingering atmosphere of prejudice surrounding us.

Moreover, according to Professor PI-03, the opposition to feminist perspectives was rooted in generational ideologies, and that shifting existing gender stereotypes toward gender equality was challenging: "These individuals are generally older... they hold very strong preconceived beliefs... and it is extremely difficult to require everyone to share the same viewpoint." Professor PI-05 further supported Professor PI-03's opinion, highlighting ways in which teaching examples and classroom discourses can reproduce gender biases: "Sometimes, whether intentionally or unintentionally, lecturers themselves may create such impressions, leading students to perceive that the lecturer is engaging in gender discrimination."

Even when some law professors actively discussed gender equality in their courses, incorporating these ideas into the broader curriculum remained challenging due to hierarchical barriers stemming from conservative views held by deans and program directors. Explaining the reason why individual openness did not translate into curriculum change, Professor PI-02 stated:

At present, individual lecturers may be very open to these issues, but their immediate superiors, such as program directors, may not be open, and faculty heads may be even less open. What is particularly important is the directive or orientation-setting nature of leadership.

Finally, at the broader level of legal practice, many law professors expressed concerns about implementing laws and policies promoting gender equality. In particular, Professor PI-06 stated that many gender norms in Vietnam override legal equality, especially in the labour field where she taught.

Notably, she tended to normalize the gender disadvantages that women face while empathizing with the difficulties employers encounter in hiring female workers:

The law includes the principle of gender equality in recruitment... but deeply rooted social beliefs still hold that women's ability to develop their creativity, or... their level of concentration cannot match those of men. This creates a gap between legal rules and their enforcement...

However, I personally empathize with employers who are hesitant to hire female workers.

Gender-related factors do create real difficulties, making women's participation in the labour market less smooth and less advantageous than that of men.

Her statement illustrates how gender bias can evolve over time, shaping legal understanding and pedagogical choices, contributing to a persistent gap between legal provisions and their practical enforcement. As gender stereotypes are gradually accepted as common sense, the pursuit of gender equality risks becoming merely theoretical and understood as impossible to enforce. This also directly weakens the rationale for integrating gender-related legal issues into the curriculum, since gender education may be seen as unnecessary or, if included, limited to formal principles rather than treated as a practical and structurally significant aspect of the law.

Interview data reveal that gender prejudice and social norms not only coexist with legal regulations on gender equality but also contribute to creating a pedagogical environment in which law professors can silently participate in roles that convey messages with implications for gender stereotypes, thereby reducing opportunities to bring gender equality into teaching in a deep and substantive way within the training program. In other words, social norms have established how laws are interpreted, taught, absorbed, and then generated by future legal professionals.

Overall, the findings demonstrate that obstacles to incorporating gender equality into Vietnamese legal education are not merely technical or personal but are fundamentally structural and systemic. Institutional regulations, particularly the dominance of MOET Decision No. 678, constrain

curricular flexibility and justify omitting gender equality from formal learning outcomes. These limitations are further supported by curriculum overload, restricted pedagogical autonomy, and a lack of monitoring systems. At the academic and pedagogical level, shortages of expertise, resources, and training, combined with fear of controversy, further discourage engagement with gender-related legal issues. Finally, cultural and ideological barriers, ranging from doctrinal legal epistemology to market-driven priorities and entrenched gender norms, shape both what is considered legitimate and what is deemed professional. As a result, gender equality might be consistently positioned as marginal, optional, or abstract, rather than as a structural concern central to law and justice. This also helps explain why, despite most law professors agreeing that teaching gender equality is essential to the undergraduate legal program, its incorporation into Vietnamese legal education remains limited and depends on individual professors' interests and sensitivity. The following sections will provide further insight into how Vietnamese law professors understand gender equality, recognize its importance, and incorporate it into Vietnamese legal education despite significant barriers.

## **5.2. Perceptions of gender equality and its importance in legal education**

All participants shared their belief that gender equality is significant within the legal education system. Nevertheless, the way they understood the concept of gender equality reflects a spectrum of local reinterpretations from a legal perspective.

### *5.2.1. Spectrum of perspectives on gender equality*

To clarify their approach to the legal matter of gender equality, Professor PI-01 stated, "gender equality is about the discrimination between men and women. Women are often looked down upon and do not enjoy as many privileges as men." However, for many law professors, gender equality should not be narrowly defined as protecting only women's rights, but should be expanded to include men's rights and LGBTQI rights. Some argued that men also face gender-based pressures and inequalities just as

much as women. For example, according to Professor PI-03, “men are expected to be the breadwinners of the family, never to show their emotions, and to swallow their tears.” Sharing this perspective with Professor PI-03, Professor PI-05 questioned the fairness for men as “a man will always be regarded as a criminal in a rape case.” He raised a legal concern about cases where women rape men, emphasizing that “these are sensitive but important cases, and legal education should address them.”

Interestingly, most law professors associate gender equality with broader recognition of diverse gender identities and rights. The main reason might be that all participants believe the current Vietnamese legal system adequately protects women’s rights, as illustrated by the following comments:

Professor PI-04: “Vietnam’s legal system provides protection for women’s rights quite fully.”

Professor PI-03: “If we look at the law alone, women’s rights are well protected.”

Professor PI-02: “I think Vietnam has done quite well in institutionalizing gender equality.”

Professor PI-06: “We already have the Law on Gender Equality and the Law on Domestic Violence Prevention, and these are very progressive... The problem, if any, is just the gap between the ‘law on paper’ and its actual implementation.”

Thus, law professors have shifted their attention to the shortcomings of the current legal system regarding LGBTQI rights. Professor PI-02 confirmed:

I do not see gender equality as only about women. It is also related to legal issues of gender identity... The LGBTQI community still faces enormous pressures in society, and the laws in Vietnam do not recognize their rights. That is why, in teaching, I pay attention not only to women but also to LGBTQI people, as they are one of the vulnerable groups.

Professor PI-06 also provided convincing examples of legal deficiencies in Vietnam, as well as broader considerations of gender equality: “For instance, what are the legal implications if a transgender woman becomes pregnant under labour law? Or when two men or two women are raising a child? These situations exist, and the law has yet to acknowledge them.” Professor PI-03 agreed with

Professors PI-02 and PI-06, sharing his resistance to a women-only framing and his support toward intersectionality as “if we only study feminism, we risk leaving out groups like the third, fourth, or fifth genders, creating a new kind of inequality.” He concluded, “feminism is probably an approach that is no longer fashionable. That approach was true in the past, but perhaps it is no longer adequate.”

The perception of gender equality among all participants might reveal underlying tensions in how gender equality is taught in Vietnam: whether it should focus on feminist perspectives, fundamental rights for all genders, or be incorporated into human rights education. This also risks diluting the traditional feminist core, potentially overlooking the systemic inequality to women in Vietnam.

#### *5.2.2. Recognition of the importance of gender equality in legal education*

All participants agreed that gender equality is a crucial aspect of the Vietnamese legal education system, despite their different persuasive reasons. From a legal and institutional standpoint, teaching gender equality could help law students understand one of the core principles of Vietnamese law while also supporting wider institutional or national objectives, such as sustainable development. As Professor PI-01 noted, “in terms of subject matter, this (gender equality) is a part of Constitutional Law, which concerns human rights and citizens’ rights; or within Law and Public Policy, it relates to policy design.” Agreeing with her, Professors PI-02 and PI-03 highlighted that gender equality was a fundamental guideline when drafting legal documents under the Vietnamese Law on the Promulgation of Legal Documents of 2015 and 2025. Specifically, Professor PI-03 elaborated: “During legislative procedures, there are several stages of legal impact assessment, including evaluating how draft laws influence gender equality. This requirement is applicable throughout the entire legislative process in Vietnam.” Furthermore, Professor PI-02 mentioned that incorporating gender equality into legal education “supports the institution’s sustainable development goals, since gender equality is a key criterion of

sustainable progress.” Thus, the participants agreed that gender equality is an essential concept that should be taught to law students.

While all participants viewed gender equality education as a key to raising awareness among law students, they likely had different expectations for its broader impacts, not only on law students but also on the Vietnamese legal system and society. Indeed, five participants emphasized the opportunities to develop professional competence and foster critical legal thinking among law students through gender equality education. As Professor PI-01 asserted, “For students, it (learning about gender equality) helps to form a humane, independent, and analytical legal mindset, enabling them to identify inequality in legal practice.” Professor PI-04 agreed with Professor PI-01; however, she expected more from law students, saying: “Understanding gender equality is essential for their future professional roles, whether they work in state agencies, judicial bodies, or as lawyers. This understanding allows them to become a force that can protect and address gender inequality.” PI-03 also emphasized:

Issues related to gender and gender equality are still sensitive and rarely discussed in Vietnam. Equipping students with this knowledge helps them recognize potential risks in the workplace, be more alert, and even go further to protect those in vulnerable positions.

It should be noted that only two participants saw female or LGBTQI law students as vulnerable groups who could benefit from learning about gender equality to protect themselves against gender inequality in real-world situations. Professor PI-03 strongly stated that “legal education provides information about gender equality in the most official, accurate, and scientific way for vulnerable or disadvantaged groups, those who may never have had access to this issue before.” Similarly, Professor PI-04 highlighted that such education was crucial for helping law students, especially female and LGBTQI ones, recognize gender stereotypes or disadvantages they might be experiencing and simultaneously empower them to defend themselves if necessary.

Taking a more general view in the hope of improving specific regulations regarding gender issues, Professor PI-06 stated:

Strengthening gender awareness will lead to two outcomes: first, it shapes how future lawyers may think when involved in the process of making laws; second, it influences how they implement those laws in practice. The awareness they gain through education will later be translated into concrete legal provisions.

Ultimately, just as Professor PI-02 reflected, teaching gender equality could bring a transformation of society through legal education because:

Even a 30- to 45-minute discussion cannot change everything, but at least I can plant a seed in their (law students') minds. Gradually, together with other lecturers, we can form a community of legal professionals who are conscious of gender inequality in all areas of law.

In fact, it is not only the Vietnamese law professors who believe that teaching gender equality in legal education is important, since it can enhance law students' professional capacity and promote the law's ability to drive social reform by effectively identifying and addressing gender issues and reducing gender bias in practice. Law professors in other national contexts also agreed with these reasons (Kameri-Mbote & Wekesa, 2018; Odigie-Emmanuel, 2018; Vujadinovic, 2015).

The main difference probably lies in the legal motivations pursued by law professors. While Western law professors tend to rely on feminist legal theory when discussing gender equality to challenge the ideas of neutrality and fairness, which are considered the nature of law (Field, 1999; Mossman, 1995; Pozzo, 2023), the Vietnamese law professors were likely not to question the law as a gendered institution. Instead, they emphasized the importance of teaching and learning about gender equality as a means of complying with a fundamental principle of Vietnamese law. This implies that all

participants believed the legal system was neutral and just, aligning with the analysis in section 5.2.1, which shows that participants viewed the Vietnamese legal framework as progressive in protecting women's rights.

### **5.3. Current Integration of Gender Equality within the Bachelor of Laws Program in Vietnam**

The data show that despite significant barriers, all participants attempted to integrate gender equality into their courses. Mainstreaming occurred not through formal curricular change but through pedagogical negotiations among individual law professors. This section will analyze in detail the aspects of gender equality that Vietnamese law professors have discussed in their classrooms, the pedagogical methods they have applied, and how students have responded when discussing gender issues.

#### *5.3.1. Content Delivery*

According to the participants, the university-level law training program at their school did not have a separate subject on gender equality, whether it was either compulsory or optional. Gender equality is also not mentioned in the training program's objectives and learning outcomes. Moreover, gender equality is not evident in the syllabi of the courses the participants are responsible for. Nevertheless, all participants shared that they tried to integrate gender equality while discussing a variety of related legal issues, including: (i) human rights, (ii) civil rights, (iii) institutional transformation, (iv) algorithms (gender discrimination) in technology, (v) principles of legal documentation, (vi) (gender equality in) labour law, (vii) (gender equality in) the field of inheritance, (viii) (gender inequality in) the field of law practice, (ix) (gender aspects in) criminal law, (x) contemporary challenges to policies on intellectual property law.

Despite the various depths of analysis of gender equality and the different aspects of gender issues discussed in each subject, the participants were very creative in connecting the legal issues in the

syllabi to gender topics. For example, Professor PI-03 skillfully asked a question that relates alternative dispute resolution methods to gender disparities in legal practice in Vietnam. He explained:

... in law, there is a method of alternative dispute resolution: commercial arbitration... in my classroom on commercial arbitration, I raised questions, such as: Is it that men are more dominant than women?... Is it that the current practice environment in Vietnam favours male practitioners more and creates more conditions for men than for women?... Then, they begin their research, discuss, and explore. Actually, the stories I raise are neither right nor wrong. My goal is that I want to raise their awareness.

Professor PI-02 also incorporated the issue of gender discrimination in technology into his lecture to shed light on this problem:

In the courses of [on?] competition law and digital economy law,... actually, I'm going to talk a little bit about... the story of the gender-biased algorithms that the technology companies are using. I'm not going to talk about gender or the value of gender equality, but I will share a broader example: discrimination.

In the Legal Document Drafting Skills course, Professor PI-02 also discussed gender equality as one of the principles of legal document development. He said:

This subject consists of two main content structures. The former concerns how the law in Vietnam should be drafted, whereas the latter concerns how to draft a legal document. In the first part of the content... I introduce students to the principle of gender equality. In this section, I provide examples and have students read some policy impact assessment reports to see how they evaluate a bill or a specific policy from a gender-equality perspective.

Notably, the participants not only listed the relevant legal frameworks but also incorporated empirical analyses, historical context, and policy considerations to discuss gender issues. Moreover, from a feminist legal theory perspective, participants' approaches to gender equality are diverse. For example,

in the Constitutional Law course, Professor PI-01 held that gender equality is a fundamental right. She discussed women's abortion rights, women's suffrage rights, and the enduring history of these rights in sessions with themes related to human rights and civil rights:

Actually, the discussion mainly arises in the section on elections because the time of the Constitutional Law course is very limited. It's only a two-credit course, but there are many issues to cover. So when I want to integrate gender equality, I can only choose topics that are directly related to the main lectures. Therefore, in general, elections are the part where I most often make the connection... And of course, I sometimes mention a few other rights, such as the right to abortion and its long historical background.

Or:

That is... when discussing human rights, women's rights relate to topics such as voting, citizens' rights in elections, and fundamental principles. Usually, the discussion revolves around the history of development, or the history of gender equality in the electoral process, for example.

Furthermore, she analyzed institutional and social transformations, focusing on the shift from formal to informal institutions, with examples of gender inequality under feudal law. Professor PI-01 said:

The formal institution was transformed from inequality in the feudal institution to equality under socialist rule of law, but the formal institution in the feudal dynasties gradually transformed into the informal institution of today, rather than completely disappearing... For example, women were not allowed to attend school... Women were looked down upon in the feudal era; all that gender inequality was recorded in law... Or if there was a daughter in the house, even ten (10) daughters were also statistically not having children, but one son was recognized.

Professor PI-05 appeared to align with Professor PI-01, viewing gender equality as a basic human right and a legal tenet. However, he argued that gender, age, skin colour, or religion should not be considered, because laws protect all individuals equally regardless of these differences. Professor PI-05 stated:

Because the principle of civil law is that everyone has the same civil legal capacity. So age, religion, skin colour, and even gender have no effect here. And so it is consistent with the constitution, and it is the underground that flows naturally, and the other laws must follow it. We shouldn't have a distinction here anymore, because they are all subjects of the law, and they say a very neutral word, which is the individual. It's already an individual, gender or non-gender, it doesn't mean anything.

He also emphasized his approach to differences in legislation related to gender issues and how he taught students on this issue:

We need to make students understand that, unless the law specifies biological reasons, we are required to classify gender. Gender classification here is not about discrimination or unequal treatment. It is, for instance, to ensure we apply the law correctly—for example, if you give birth, of course, you have to be a woman, so we have to distinguish it to apply it properly. Men can't argue why women have this right while they don't.

From the perspectives of Criminal Law and Criminal Procedure Law, Professor PI-04 approached gender equality by illustrating how the law evolved toward gender neutrality while maintaining a focus on the underlying rationale for differential gender-based treatment. She pointed out:

Under the previous Criminal Code, a male could not be considered a victim of rape. In the 1999 Criminal Code, for the offences of rape and sexual coercion, only females were recognized as

victims. This approach originated from certain assumptions about biological mechanisms and theoretical foundations... namely, that if a man does not consent, then biologically his sexual organs would not be able to function... However, in the 2015 Criminal Code, the group of offences related to rape and sexual coercion no longer limits the offender to males; the offender can also be female. This reflects the recognition of acts involving sexual tools or acts between people of the same sex, and it also does not exclude the possibility that females can rape males.

Although she still believed that “women are the weaker side” and “often victims in domestic violence or rape cases,” she also acknowledged that in fact “there are also wives who abuse their husbands, not just husbands who abuse their wives.” The law, in her view, has gradually “broadened the scope in identifying who a victim is” and is becoming more capable of addressing practical situations. She further explained:

For example, this is evident in criminal law concerning human trafficking. Previously, the criminal law only addressed the crime of trafficking women and children. Therefore, if someone buys or sells a 17-year-old boy, the law would not be able to prosecute him. However, the 2015 Criminal Code amended the provision to include the crime of human trafficking. This change reflects lawmakers’ recognition that men can also be victims of such crimes. They (lawmakers) had to make this correction... because, in practice, there have been cases where the (previous) law had no basis to handle them... Men themselves can completely become victims.

Nevertheless, Professor PI-04 advocated for legal protections for women in special cases, such as the exclusion of the death penalty for pregnant women or women raising small children. She explained these provisions as rooted in humanitarian considerations and for the development of women and children, rather than being special privileges for women:

There are certain provisions and mitigating circumstances that reflect progressive approaches, such as those applied to pregnant women, or the exclusion of the death penalty for pregnant women and women who are nursing young children... Or, for instance, in the Criminal Procedure Code, there are regulations prohibiting the application of certain measures, such as pre-trial detention, to groups like pregnant women or women who are caring for young children... In fact, when discussing categories of offenders who are exempt from the death penalty, such as pregnant women, I often share with the students that in some cases offenders take advantage of these provisions to avoid a death sentence... I also frequently explain to my students the rationale behind the legislature's decision to introduce such provisions, and that the state is, of course, aware of the potential for abuse. However, the essence of these regulations is grounded in humanitarian principles and based on specific, well-founded reasons. Therefore, isolated cases of wrongdoing, such as prison officers acting improperly, for example, by intentionally allowing death-row inmates opportunities to meet other prisoners, or by being negligent in their duties, leading to situations where a female inmate awaiting execution becomes pregnant in custody, cannot justify abolishing regulations that embody humanitarian values and support the advancement of women and children.

Similar to Professor PI-04, Professor PI-06 focused on the necessity of special legal provisions for women, such as maternity leave, prenatal checks, and breastfeeding breaks, while encouraging students to think critically about the realities of gender in the workplace. According to Professor PI-06, law students should understand the gap between law and its implementation. She said:

Taking the principle of gender equality in recruitment, for example... Despite this principle, deeply entrenched societal beliefs persist, such as the assumption that female workers cannot match male workers in their potential for career development, creativity, or various other

abilities, or that women's level of concentration is inherently lower than men's. These perceptions affect actual practices in recruitment and salary increases. As a result, a gap remains between the regulations and their implementation in practice.

Professor PI-06 also pointed out gaps in labour law provisions concerning workers from the LGBTQI community, especially transgender workers. She raised a legal question about whether these individuals would be entitled to the corresponding rights granted to female and male workers if they became pregnant and had children.

In reality today, there are situations such as individuals who have transitioned to male but are still able to become pregnant. Or cases where two men or two women live together as a couple, and from that relationship, they may adopt a child or have a child through other means. The question is whether such situations can be legally recognized or codified. (Professor PI-06)

In addition, Professor PI-06 analyzed the development of the law across different historical periods, comparing modern legal regulations with those from the feudal era to highlight the progress made in gender equality. In the Civil Law course, she commented:

By comparing the current legal framework with former feudal regulations, we can see that under modern inheritance law, wives and children are now recognized as equal beneficiaries. This marks a significant difference from feudal law, which, for instance, did not allow daughters to inherit property or allowed them to inherit only a smaller portion.

The data above reflects several issues. First, the participants integrated diverse aspects of gender equality into the subjects they teach, rather than teaching gender equality as an independent topic within a course or as a standalone course in the curriculum. As Professor PI-06, a law professor with more than 35 years of teaching experience, stated: "In my personal experience, gender equality has

never been addressed as an independent topic.” In other words, in a certain sense, gender equality is discussed in courses to convey lesson objectives or ensure learning outcomes, rather than as a distinct theoretical concept or specialized module to be examined and taught in depth.

Furthermore, from a feminist legal theory perspective, participants adopted different approaches to gender equality, even though they did not directly mention or discuss feminism or feminist legal theory with their students. Professors PI-02 and PI-03 appear to approach gender equality from an ecofeminist standpoint. Professor PI-01 seems to adopt an approach similar to that of equal treatment theorists, whereas Professors PI-04, PI-05, and PI-06 appear to address gender issues in ways characteristic of cultural feminists. Notably, from Professor PI-06's perspective, there also seems to be a hint of lesbian feminism.

Finally, it is important to emphasize that the participants expressed highly positive views about the development of Vietnamese law in the field of gender equality. They also consistently affirmed their belief in the traditional legal ideals of neutrality and objectivity. From their perspective, and contrary to critiques from feminist legal theorists, the law, in essence, does not discriminate on the basis of gender; any issues that arise are attributed solely to shortcomings in law enforcement in practice. In addition, the majority of law professors navigate gender issues, along with other factors such as age, religion, region, etc., and relate them to the core issue of human rights. In this way, the gender factor is gradually generalized, reconciled, and diluted into the other elements, thereby losing its unique perspective, to ensure that the law is neutral, fair, and equal. The resonance of these two perspectives, the ignorance of the gendered nature of the law and the identification of gender issues as belonging to human rights, poses a potential risk of positioning gender only as supplementary to legal understanding rather than constitutive of it.

### 5.3.2. *Pedagogical approaches*

The participants applied a range of methods to raise social awareness and encourage critical thinking on gender issues among law students, from traditional doctrinal explanations to more interactive approaches, such as the Socratic method and group discussions on case studies and comparative law.

When sharing about how he taught gender equality and how he thought about traditional teaching methods in legal education in Vietnam, Professor PI-05 stated:

Because I do not engage in in-depth discussion on this issue (gender equality), I present it to students merely as a principle. We recall the principle, and that is all; we do not delve into its specific dimensions or discuss them in detail... Because the way we currently teach law is doctrinal, meaning we focus on explaining the law, with very little empirical evaluation of the issues... We concentrate on the law as written and interpret it accordingly. This is because the legal mindset has long been doctrinal: when confronted with a situation, one reads the law, understands the provisions, and applies them to the case. That is the classical, traditional way of legal thinking. Whether the law is good or bad, right or wrong, is considered an entirely separate matter...

According to Professor PI-05, law professors, in general, taught gender equality through a traditional doctrinal explanation approach, focusing on explaining written law, placing themselves at the centre, and delivering their lectures under a one-size-fits-all model. However, not all law professors adopted the same teacher-centred approach as that described by Professor PI-05. Interviews with other participants revealed that a central pedagogical approach across multiple subjects was the use of case studies and real-life situations to illustrate legal concepts and stimulate discussion among law students.

I rarely use the lecturing method. I mainly use the case analysis method... I usually select several contemporary cases... from widely available media sources such as social networks or newspapers, and I adjust them slightly to suit my teaching objectives... asking them to analyze it to understand the situation... The students analyze the case and then evaluate it in accordance with the relevant legal regulations. They generally have to clarify the case details and identify the legal issues arising from them. After that, they compare the situation with the relevant legal provisions in order to assess whether the actions or events of the real-life case are consistent or inconsistent with the law's requirements. (Professor PI-06)

Group discussion was another teaching method used by Professor PI-06 in her classes. She encouraged students to discuss in groups and prepare their presentations. The outcomes of the group discussions generated ideas or questions to further support female workers' rights. She said:

The student groups are assigned to discuss and present on topics such as... female labor. The groups conduct research to prepare their presentations, and they often emphasize the beneficiary category, that is, they highlight that these provisions apply to female workers. The focus is placed on the fact that this gender group is entitled to those specific regulations... Another issue raised during the discussion concerns whether it is necessary to have a separate regulation on labour norms specifically for female workers.

Professor PI-04 also assigned law students cases to discuss, aiming to raise awareness of the need to protect women's rights in their relationships with their partners. She said:

Even when I teach foundational courses, for example, there are now situations involving issues such as marriage registration... In reality, there are cases where couples do not register their marriage but hold a wedding ceremony and live together for many years. According to familiar

Vietnamese customs, it is usually the husband who registers property ownership. When such couples separate and begin procedures to 'divorce,' in fact, they are not legally divorcing but merely ending their de facto relationship. This leads to situations in which the woman is not protected in terms of her rights... From this example, the first thing students need to discuss and understand is that individuals must place themselves within a legally recognized framework, especially to ensure that women in such situations are protected by law.

Furthermore, some participants encouraged law students to compare Vietnamese regulations with those of other nations, facilitating discussions that explored gaps in Vietnamese law or explained the history of women's rights. For example, Professor PI-01 used United States legal precedents to discuss complex issues in human rights and constitutional law: "I present several case studies and certain judicial precedents, for example, precedents concerning abortion issues in the United States, as well as the historical development of women's right to abortion, for students to discuss." In the context of labour law, Professor PI-06 also noted:

Students are often very interested in making comparisons, for example, whether certain rights provided to female workers in Vietnam are also available to female workers in Singapore. Nowadays, students tend to demonstrate their ability to gather information and make connections by comparing Vietnamese law with that of various Asian countries. They do this not only through Vietnamese materials but also through sources in many other languages... During presentations or class discussions, I often have to remind them to be more selective with the information they use... A comparative analysis needs to ensure a certain level of compatibility; it cannot be merely a side-by-side comparison of legal provisions in unrelated contexts.

The Socratic teaching method (also referred to as Sokratis) was another teaching approach explicitly described by Professor PI-03 when discussing how he addresses issues such as gender equality. He

primarily used this method to stimulate and develop his students' critical thinking and analytical skills. He stressed that he did not lecture on gender equality but rather attempted to provoke law students' thoughts.

All the issues related to gender and gender equality that I introduce in my courses stem from my own observations of real-life situations. The method I use to achieve my teaching objectives is often the Socratic method. I continuously pose questions, beginning with a general question derived from an actual phenomenon, such as a noticeable disparity in ratios. Then I follow up by asking students why such a disparity exists. I require students to respond, and as they answer, I continue to raise additional questions to prompt them to think more deeply. Of course, these questions must be guided and controlled... So, if I were to say that I 'teach' the content on gender equality, I would actually say that I do not teach it in that way. Instead, I try to stimulate students' thinking by posing continuous, guided, and controlled questions to achieve my goal, which is to make students aware of or 'awaken' their understanding of these issues.

In summary, law professors employ diverse pedagogical approaches when integrating gender issues into their lectures. However, it can be seen that the teaching methodology mainly relies on discussions of specific examples (*case studies - án lệ*) and social phenomena rather than on academic theory, such as feminist legal theory. As a result, gender equality is primarily integrated as a contextual issue rather than as a structural lens through which law itself should be critically examined. While case-based discussions might raise students' awareness of gender-related practical issues, the absence of feminist legal theory can limit students' ability to approach issues from women's perspectives and, as a result, to investigate how legal reasoning and institutions can reproduce gender hierarchies.

### 5.3.3. *Student Response and Engagement*

Participants' responses reveal a complex pattern of how students respond to integrating gender-related content into legal education. While many law professors described students as open and actively engaged in lively discussions of gender-related legal issues, they also observed silence and avoidance among some students, particularly those with marginalized gender identities or in culturally sensitive classroom contexts.

Students were often “very interested” (*rất hào hứng*) and engaged in “lively discussions” (*thảo luận sôi nổi*) when gender issues were raised, particularly when real-world examples were used. As Professor PI-01 explained:

I feel that students are very interested and discuss quite enthusiastically when stories about gender equality and discrimination, especially discrimination against women in recruitment, are brought up... The students' mindset is very open and receptive... Maybe because they have not had many real-life experiences yet, they have not really noticed any differences between men and women ... I see that the students are basically ready to discuss; generally, they feel comfortable and excited about those stories... Maybe it's also because of the approach, which tends to focus on past case studies, while the current stories are already different. Thus, the students are very comfortable and excited, and they don't think too much...

Agreeing with Professor PI-01, Professor PI-02 stated that law students in his class were open-minded when discussing gender-related issues; however, he found it difficult to identify their true emotions. He further explained his reasons and thoughts about his students' reactions, highlighting the differences between their opinions and those of his colleagues on gender equality. He said:

The gender-related contents that I include are not too in-depth, and there is also not too much time, so to really measure the students' emotions, I think it is very difficult... There is no stigma... There is no discomfort at all... At least in the student cohorts I teach, the majority are very open-minded about these topics. And they also do not show any discomfort outside the classroom either, so I think that is a very good advantage for me to bring these topics in, and it (the gender topic) does not create any resistance for the students... It sounds a bit funny, but the students are actually much more open-minded than the teachers, and they are the ones who criticize back... the issue that teachers have gender biases and... how they bring that mindset, that thought, into the classroom.

From Professor PI-03's perspective, law students in his class were also "extremely active." He provided some additional explanations for their positive attitude towards issues of gender equality, particularly emphasizing how law students viewed gender inequality in real life:

I have quite an interesting observation like this. When I introduce gender-equality content through questions that are somewhat controversial, the group of graduate students clearly show signs of avoidance. But the group of undergraduate students, meaning those aged from 18 to 22, do not avoid it; sometimes they even proactively discuss those issues with me. So I think this attitude of avoidance or active engagement relates to age... The group of undergraduate students aged 18 to 22 is extremely active because they have access to an abundant, very diverse information environment... So they have a very positive attitude, and sometimes they offer new perspectives that even I, after listening to them, have to rethink whether my own understanding is still suitable for the current period... For example: these students say that 'actually, there is no gender inequality, especially in the field of intellectual property, there is no gender inequality.' Everything is an individual's choice; it has nothing to do with the surrounding

environment... For instance, for a female student choosing which career path to follow, that is her personal choice, and this choice is based on her own experiences and the resources and conditions she has, not because she is forced or restricted in any way.’ That is their viewpoint, meaning that issues of gender inequality are stories of the past.

Similar to Professor PI-02, Professor PI-03 had not encountered any cases in which his students expressed resistance or disagreement toward gender equality. He said: “There is no strong reaction, no obvious resistance, no tense disagreement. I have not encountered such cases. Perhaps the questions I ask are still mild; they have not yet triggered any intense controversy...” It should be noted that not only did law students respond positively during in-class discussions on gender issues, but many also engaged in deeper inquiry and pursued individual research projects on the topic. “They (law students) even raise research questions, for example, whether there is gender bias in Artificial Intelligence (AI) algorithms. So I feel that they are very enthusiastic. They really want to talk about this issue.” (Professor PI-01)

However, the total number of such projects remains fairly limited, compared to other emerging or mainstreaming legal topics. As Professor PI-04 observed:

There are students who conduct research specifically on women’s protection, such as women’s rights under criminal procedure regulations. Then, they do show interest in women and gender equality, but in my view, not very many. It’s not as many compared to other topics- like AI, contracts, or property rights, and so on. Those issues are ‘hotter’ and tend to attract more attention than gender equality.

Interestingly, during classroom discussions, law students and professors sometimes explored gender issues more thoroughly through the lens of women’s perspectives. In other words, women’s voices were seriously considered, highlighting the challenges in applying current legal regulations. For

example, in Professor PI-04's class, students engaged in discussions and shared reasons why cases of domestic violence are often not reported to state authorities. Professor PI-04 noted:

Even in the Law on Prevention and Control of Domestic Violence, the provisions on paper... also list the different forms such as physical violence, psychological violence, or sexual violence. However, those are just the legal provisions, and their implementation in practice has several shortcomings... For instance, if the act is only subject to administrative sanctions, such as a monetary fine, for example, when a husband hits his wife. If the wife reports it, the husband will be fined. But where does the money for the fine come from? Isn't it taken from the joint finances of the couple?... And in many households, the husband earns no income and is completely financially supported by the wife. So now, the wife is beaten, then she reports it to the police... and after the police come and impose the fine, she has to take money from her own pocket to pay it. In that case, reporting to the police clearly brings no benefit at all, and obviously, women will not want to do that.

Professor PI-04 also reflected on the discussion of domestic violence, taking women's views to explain their decisions:

When discussing cases more broadly, for example, cases related to domestic violence... we (she and her students) often comment further on the reasons why women may experience abuse but do not choose options such as divorce, resisting or fighting back... Sometimes this comes from psychological patterns, from ways of thinking that have been deeply ingrained over many generations, perhaps from seeing their own mothers being abused. They see that women around them experience this, and they come to regard it as something very, very normal... In the context of domestic violence, they need to understand that when their spouse or partner, for instance, hits them, this is something that is not permissible, rather than thinking that because

they saw their mother being beaten, then growing up and being beaten by their husband or boyfriend is something normal. If they do not become aware of this, then the narrative becomes: even if it is not this husband or this boyfriend, it will simply be someone else.

Nevertheless, not all students were always excited and enthusiastic about engaging in gender topics. In Professor PI-03's class, some students often reacted with silence and avoidance, especially among students from marginalized gender groups who might feel excluded or unsure whether they could fit into the discussion:

Some students belong to what is often called the third or fourth gender. That is, for example, their biological sex may be male, but their gender identity, the way they see the world, is female, or they may belong to bisexual or non-heterosexual groups. This group is particularly sensitive and participates very little, or almost not at all, in discussions on gender equality. This is because they feel left out; they do not know which group to join to express either support or opposition to some of the issues I raise. (Professor PI-03)

Instead of actively participating by raising their hands, the hesitant students frequently looked away, down at their notebooks, or at each other. Professor PI-03 interpreted these behaviours as students seeking consensus among themselves, rather than engaging directly with the instructor. He also thought that the distance between teacher and student in the Eastern culture was probably the reason for this hesitation. He shared more details on his observations:

Silence and lack of initiative usually appear in the following way: when I ask questions directly related to the lesson content, there are usually some hands raised, indicating that students are proactive. But when I begin to expand the discussion, those hands are no longer raised. And I understand that they have a psychological tendency to observe one another... They observe

each other because this is a small group, so they tend to follow the majority. They are afraid of standing out, so they tend to watch each other. They look to see what the majority is saying, what the majority's viewpoint is. And precisely because they observe each other in this way, it simultaneously gives me many opportunities to observe each individual student in detail... There may be a student who previously answered questions very actively, but now, when I ask questions related to gender or gender equality, they suddenly become silent, or it is as if they go into hibernation... I begin to notice that students look at each other or down at their notebooks and smile slightly at one another. They do not communicate directly with me; instead, they communicate through eye contact with each other. That is, they are seeking consensus among themselves. However, because in the classroom relationship there is still a certain distance between students and lecturers... Here, the concept of the teacher–student relationship in Eastern culture still creates hesitation, so they are very reluctant to share such issues.

However, proactively participating in discussions on gender did not necessarily mean that students agreed with the legal provision that accounted for gender factors. For example, in Professor PI-04's class, male students expressed dissatisfaction, viewing legal provisions granting women special rights as “unfairness” and “privilege”. She noted:

In cases involving categories of individuals who are exempt from the death penalty, male students often react very strongly. They say, ‘Oh, this is really unfair. Why is it like this for women?’ Because when they look closely at certain cases involving female death-row inmates who have managed to avoid execution, one thing becomes very clear: for male death-row inmates, once they have received all the required decisions through the procedural process leading to the execution of the death sentence, there is clearly no way for them to escape. But for female death-row inmates, even after all the decisions have been issued, there is still a

narrow door through which they may be able to escape, that is, by finding a way to become pregnant. And in Vietnam, this is not actually rare.

In summary, the interview data indicate that students' responses to gender-related issues are not uniform. While there is interest and openness in expressing viewpoints and participating in classroom discussions, there are also instances of hesitation, silence, and avoidance. These reactions may be attributed to several factors, including students from marginalized gender identities who feel uncertain about their place in binary gender discussions, as well as cultural norms in Vietnamese teacher-student relationships that often contribute to students' reluctance to openly express their views to lecturers. Additionally, some law students' discussions show a tendency to see gender equality as outdated or to equate it with removing special legal protections for women, viewing these protections as unfair privileges. This indicates a potential rupture in understanding gender-related law, in which efforts to further develop or reform the law to enhance its reliability and practical enforceability in gender and gender equality may be perceived as unnecessary. These findings also highlight the importance of feminist legal theory as a framework that can provide a solid foundation for classroom discussions, create opportunities for both students and law professors to approach legal issues from women's perspectives, and help prevent discussions from deviating from the pedagogical goal of supporting gender equality.

## Chapter 6. Conclusions

This thesis began with a fundamental and perhaps uncomfortable inquiry: why, in a country where the very first Constitution of 1946 boldly declared that “women have the same rights as men in every way,” does a significant and persistent gap remain between the “law on paper” and the lived experiences of women and marginalized genders? Through the critical lens of feminist legal theory, I have explored the essential role of legal education- the primary territory where the “seeds” of gender justice must be planted to nurture a legal system capable of ensuring true, substantive equality.

This research has confirmed that identifying and addressing gender inequality in the Vietnamese context remains an immense challenge because it is often obscured by what Rhode (1991) famously termed the “no-problem’s problem”- a disturbing degree of social comfort where sex-based disparities are viewed as natural, unalterable, or already sufficiently addressed by formal regulations. Throughout this study, I have sought to move beyond the surface of formal legal rights to examine the substantive reality of the legal classroom. By centering the perspectives and experiences of law professors at a university in Southern Vietnam, this research has unveiled the hidden “chilly climate” (Backhouse et al., 1995) and the “screens to unknowing” (Code, 2008, p. 36) that prevent gender equality from becoming a foundational analytical framework in legal training.

The journey of this thesis has revealed a profound paradox: while Vietnamese law professors almost universally recognize the vital importance of gender equality for social development and professional competence, its actual integration into the Bachelor of Laws program remains marginal, spontaneous, and discretionary. My findings demonstrate that this integration is not merely a matter of individual will, but is hindered by a complex, intertwined web of structural, pedagogical, and ideological barriers. These range from the rigid institutional constraints of MOET Decision No. 678, which omits gender equality from mandated learning outcomes, to a persistent adherence to the myth of legal neutrality, which often masks the masculine norms inherent in legal doctrine.

In concluding this work, I synthesize these findings to argue that for the promise of the Constitution to be realized, legal education in Vietnam must undergo a transformative shift, moving away from a “one-size-fits-all” model of doctrinal teaching that treats the law as a neutral instrument, toward a critical feminist pedagogy. Such an approach must empower the next generation of judges, lawyers, and policymakers to move beyond the “liberal legal person” and start engaging with the lived realities of those that law has historically silenced. Only then can the “seeds” we plant today grow into a legal system that truly serves the cause of justice for all.

## **6.1. Synthesis of Key Findings**

The study reveals the range of institutional, curricular, and contextual barriers that law professors encounter in incorporating gender equality into legal education in Vietnam. Interestingly, despite these challenges, law professors continue to discuss gender-related issues in their classrooms. This may be regarded as a form of compromised agency, as they often adopt pragmatic strategies to engage with gender equality, balancing their personal beliefs about its importance with the professional and institutional expectations they perceive. The inner tension underscores the complex and negotiated nature of gender mainstreaming in Vietnamese legal education. It also helps explain a paradox: although most Vietnamese law professors in this study recognize the significance of promoting gender equality and endeavour to incorporate it in their teaching through various methods, the actual integration of gender equality into the Bachelor of Laws program appears superficial, spontaneous, and heavily dependent on individual professors’ approaches.

### *6.1.1 MOET Decision No. 678 or an Institutional Architect of Silence*

At the structural level, the research identifies the MOET Decision No. 678 as the primary architect of this silence. By omitting gender equality from the mandated program learning outcomes, this regulatory framework functions as more than just a guideline; it serves as an institutional “excuse”

that allows leadership to prioritize political and economic objectives over social justice. This creates a state of structural crowding where the curriculum is so densely packed with mandatory non-law subjects, such as Marxist-Leninist Philosophy and National Defense, that gender equality is squeezed out of the educational space. Consequently, the “seeds” of gender justice are rarely planted in the official soil of the curriculum; instead, they are left to the individual interest and sensitivity of specific instructors, resulting in an integration that is illustrative rather than substantive.

### *6.1.2 Pedagogical Insecurity and the “Safe” Principle*

Beyond structural barriers, my research unveils a significant academic hurdle: pedagogical insecurity. Law professors, lacking formal training and specialized resources, often find themselves navigating a “chilly climate” when attempting to discuss sensitive gender issues. This insecurity frequently leads to a strategy of avoidance, where complex and potentially controversial topics, particularly those involving sexual and gender diversity, are managed by reducing them to a “safe” level of abstract, general legal principles. This adherence to a purely doctrinal legal epistemology, focusing on the “law on paper” rather than empirical reality, effectively masks the gendered power dynamics that feminist legal theory seeks to expose.

### *6.1.3 The Spectrum of Perception: From Protection to Dilution*

The findings show a range of perspectives among law professors. While there is a positive movement towards incorporating LGBTQI rights and broadening the human rights framework, this variation could pose a challenge when potentially diluting the fundamental principles of feminism. In addition, most law professors continue to cling to the myth of legal neutrality, viewing the current Vietnamese legal framework as “comprehensive and progressive” in protecting women’s rights. They tend to attribute gender disparities primarily to shortcomings in law enforcement rather than the gendered nature of the law itself. As a result, the specific, systemic oppression of women in Vietnam,

rooted in Confucian patriarchal norms, may be reconciled and silenced within the broader legal discourse, even perpetually confined to the periphery of legal education.

#### *6.1.4 The Complex Echo of the Classroom: Engagement and Exclusion*

Ultimately, the research captures a complex pattern of student responses, as observed by law professors, that mirrors the broader societal “no-problem’s problem” (Rhode, 1991). While students often display enthusiastic openness, there is a disturbing tendency to view gender inequality as a “story of the past” or to perceive special legal protections for women as “unfair privileges.” Most notably, the study highlights a deep silence among students with marginalized gender identities, who often feel excluded from binary gender discussions and tend to withdraw into consensus-seeking behaviours within their own group rather than participating in broader conversations with the law professors. This “hibernation” of marginalized voices, along with the disturbing tendency as noted before, underscores that without a critical feminist pedagogy, the legal classroom risks reproducing the very hierarchies it should be dismantling.

In summary, these findings demonstrate that the “screens to unknowing” in Vietnamese legal education are not merely gaps in knowledge, but are deeply rooted in its systemic structural framework. To move forward, we must recognize that a legal education which remains gender-blind is not neutral; it is a factor participating in the ongoing “no-problem’s problem” (Rhode, 1991) that sustains inequality in the name of the law.

## **6.2. Theoretical Implications and Contributions**

This research's findings go beyond a narrow critique of curriculum design, making an important contribution to the discussion between feminist legal theory and the Vietnamese legal framework. By applying a critical lens to the “law on paper” and to teaching practices, this study challenges the

foundational assumptions of Vietnamese legal epistemology and provides a theoretical bridge between abstract global feminist principles and the specific socio-legal realities of a socialist state.

### *6.2.1 Deconstructing the Myth of Legal Neutrality*

One of the most profound theoretical implications of this study is that it directly challenges the pervasive belief among Vietnamese law professors that the law is an objective, neutral, and fair instrument. As demonstrated in the theoretical framework, what is often presented as a “neutral” legal person, characterized by autonomy and rationality, is, in fact, a masculine norm that reflects men’s experiences and preferences. This research reveals that by adhering to a purely doctrinal legal epistemology, Vietnamese legal education unintentionally perpetuates the “no-problem’s problem” (Rhode, 1991), thereby masking the gendered power dynamics embedded in legal structures. The implication is clear: true justice cannot be achieved by merely teaching the “black letter law;” it requires a critical uncovering of how “law’s truths” are shaped by patriarchal biases.

### *6.2.2 Centring Lived Experience: From Doctrine to Reality*

A central tenet of feminist legal theory, the imperative to centre women’s lived experiences, finds a powerful echo in this study’s analysis of the gap between formal rights and practical enforcement. My research highlights how legal education often remains silent on the “screen to unknowing” (Code, 2008, p. 36) that prevents women from exercising their rights, such as victims of domestic violence who choose to “swallow the pill” (Rydstrøm, 2003a, 2003b) of silence rather than seek legal recourse. Thus, this study advocates the use of standpoint epistemology in the legal classroom, arguing that legal knowledge is situated and must be informed by the unique insights of those who are often marginalized. Without incorporating these lived realities, legal education may struggle to move from an instrument of formal equality to a catalyst for substantive social transformation.

### 6.2.3 *A New Direction for Vietnamese Jurisprudence*

Finally, this thesis contributes to the development of Vietnamese jurisprudence by addressing the scarcity of research that integrates doctrinal analysis with social and gender analysis. In a context in which legal research has historically focused on summarizing and interpreting regulations, this study introduces the international experiences of clinical programs, employing case studies and social phenomena to uncover underlying gendered power relations. By demonstrating that feminist criticism can advance the interests of justice without challenging the state's fundamental leadership, this work opens a legitimate space for feminist legal theory within the Vietnamese academic community, suggesting that both Marxism and feminism can become powerful allies in the pursuit of social justice.

### **6.3. Recommendations for Policy and Practice**

The transformation of Vietnamese legal education must begin with dismantling the “structural wall” currently erected by the MOET Decision No. 678. This regulatory framework functions as more than a mere guideline; it serves as an institutional rationale for excluding gender perspectives by failing to mandate gender equality as a required learning outcome. For the “seeds of justice” to truly take root, the Ministry must explicitly incorporate gender equality into the core standards of the Bachelor of Laws degree. Only by institutionalizing these requirements at the highest policy level can we move beyond a discretionary model of education and ensure that gender justice is no longer viewed as a peripheral concern but as a foundational element of legal training.

Beyond mere policy adjustments, universities must establish systematic monitoring and feedback mechanisms to bridge the persistent gap between the “law on paper” in a syllabus and the classroom reality. Current LTIs often rely on informal student feedback, which is insufficient for evaluating whether gender-related content is being delivered or remains a “ghost” in official documentation. By implementing structured, open feedback sessions and drawing on models that

prioritize frank discussion over symbolic compliance, LTIs can ensure that integrating gender equality becomes a coherent, formalized, and effective pedagogical practice.

It is essential to address the “pedagogical insecurity” that leaves many Vietnamese law professors hesitant to engage with sensitive topics, such as sexual and gender diversity. Law schools, thus, should prioritize funding and formal training programs that equip law professors with both knowledge of feminist legal theory and the practical skills to manage classroom conflict or emotional sensitivity. By providing law professors with specialized resources and local Vietnamese casebooks that move beyond the mere summaries of legal provisions, we can empower them to facilitate “true” Socratic dialogue. This transition from a strategy of avoidance to one of active engagement is essential to creating an inclusive environment where students can critically analyze gendered power dynamics.

Furthermore, the integration of gender perspectives must evolve from being merely “illustrative” to being truly substantive, permeating mandatory core courses such as Constitutional Law, Criminal Law, Labour Law, and Civil Law. This shift requires moving away from a purely doctrinal epistemology toward a standpoint epistemology, along with a “legal archaeology” that utilizes case studies and clinical programs to uncover the lived experiences of marginalized groups. In these spaces, students can observe the gap between legal rules and their enforcement. In other words, legal education should be grounded in empirical reality rather than in mere abstract neutrality. In this way, we prepare future practitioners to challenge the systemic inequalities that have historically silenced non-dominant groups.

Finally, we should resist the market-driven ideology that devalues social justice in favour of immediate vocational skills, and emphasize that a truly professional legal education must include the capacity to promote equality. Fostering a legal consciousness that is sensitive to the oppression of all marginalized genders is essential to ensure that the next generation of judges and lawyers is equipped to transform the Constitution’s promise into a reality for every Vietnamese citizen.

#### **6.4. Limitations of the Study**

While this research provides valuable insights into the opportunities and challenges of integrating gender equality into Vietnamese legal education, it has several limitations. First, the study used a small sample of six law professors from a single multidisciplinary university in Southern Vietnam. Although all LTIs in Vietnam must strictly follow the MOET Decision No. 678, they are diverse, ranging from specialized law universities to smaller faculties within broader institutions. In addition, the study focused on law professors' opinions and did not involve direct classroom observation or explore students' experiences. Consequently, the perspectives presented might not encompass all viewpoints, such as students' opinions, or reflect regional and institutional variations nationwide.

Moreover, this research was conducted in a context of a significant lack of national data on gender equality in legal education. Due to the absence of comprehensive statistics on female law students' career paths and classroom experiences, the analysis relied primarily on unofficial reports and individual calculations, which may offer only a partial glimpse of the broader structural reality. It should be noted that although I have referenced global literature to shape the inquiry, the unique socio-political environment of a socialist legal system must be considered. This means that international findings on gender mainstreaming cannot be directly applied to Vietnam without accounting for the particular "screens to unknowing" (Code, 2008, p. 36) present in the local academic culture.

Ultimately, from the methodological perspectives, the "collaborative" nature of the interviews, shaped by my own ontological stance as a former law student and lecturer, introduces a layer of subjectivity. While my position as an "insider" enabled deeper trust and a shared vocabulary with the participants, it may have influenced the "pedagogical negotiation" of the data.

#### **6.5. Suggestions for Future Research**

The findings of this thesis open several pathways for future inquiry to further dismantle the silences within the legal system. First, future research should focus on law students' lived experiences,

particularly those of law students with marginalized gender identities. While this study explored law professors' "pedagogical insecurity," the students' perspective should be investigated to understand how rigid Socratic methods, binary discussions, and traditional hierarchies contribute to the "chilly climate" (Backhouse et al., 1995) of learning settings, to law students' "hibernation," or to the exclusion of non-dominant voices. Furthermore, comparative studies of socialist legal systems alongside other legal traditions, such as Common Law or Civil Law, can offer valuable insights into different approaches to gender mainstreaming and how different frameworks balance formal legal neutrality and substantive gender justice. Finally, there is a pressing need for empirical legal research that moves beyond "law on paper" to examine the gendered nature of law and the long-term impact of gender-sensitive education on professional practice. It is necessary to doubt whether there are any gendered power dynamics behind the legal regulations, as well as consider whether the "seeds" of gender equality planted in the classroom actually take root when graduates enter a labour market often characterized by significant gender inequality. Longitudinal studies monitoring judges' decisions, lawyers' advocacy, and policymakers' priorities can help clarify the true nature of law while illuminating whether a critical legal consciousness persists effectively as students transition from university to professional practice.

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## Appendix A

### INFORMATION LETTER

#### **Mainstreaming Gender Equality into Legal Education: Perspectives and Challenges in a Vietnamese University**

Researchers:

**Principal Investigator:**

**Phuong Nguyen**

MA Candidate, Faculty of Education

Mount Saint Vincent University

Email:

**Faculty Supervisor**

**Dr. Marnina Gonick**

Faculty of Education

Mount Saint Vincent University

Email:

You are invited to take part in this study. Please read this Information Letter in full before deciding whether or not to participate in this research. If you would like further information regarding any aspect of this project, you are encouraged to contact me via the phone numbers or email addresses listed above.

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#### **What is the aim of this study?**

This study aims to explore how law professors in Vietnam understand and address gender equality in their teaching. It will examine how gender topics can be included or excluded in law school courses and what challenges professors may face when teaching these issues.

This study will be conducted by Phuong Nguyen (under the supervision of Dr. Marnina Gonick) from the Faculty of Education at Mount Saint Vincent University. It has received ethics approval from the University Research Ethics Board of Mount Saint Vincent University (Reference number UREB File #: 2023-293).

By participating in this study, you will have the opportunity to express your views and contribute to research on legal education in Vietnam.

**What does this research involve?**

If you decide to participate, you will engage in a one-on-one interview (30–60 minutes) held online through Zoom, Google Meet, or Microsoft Teams Outlook. During the interview, I will ask you questions about your experiences teaching law, your views on teaching gender equality, and your thoughts on how these issues are addressed in the curriculum. With your permission, the interview will be audio-recorded and later transcribed for analysis.

**Why have you been chosen for this research?**

You have been chosen for this study because you meet the study criteria: You are a law professor currently teaching at a multidisciplinary university in southern Vietnam, and you have at least 3 years of teaching experience.

**Consenting to participate in the research**

Once you have read the Information Letter and have had any questions answered by the research team, you can consent to participate in the study by signing the consent form. You also have the right to withdraw from the study at any time without any penalty, and you can request that any information collected from you be destroyed. Please understand that for this request to take effect, you must inform the researcher (Phuong Nguyen) within four weeks following the completion of the interview. Your withdrawal will not be judged or have any repercussions. If you choose to withdraw, your data will be deleted and not used in the research. You do not need to explain your reason for your withdrawal. Furthermore, the interview will be recorded with your consent.

**Possible benefits and risks to participants**

You may not receive direct personal benefits for participating in the study. However, your insights may help improve understanding of the implications of including gender in legal education and what it means for changes in policy, teaching materials, or curriculum design.

There will be no physical or biological threat to you. However, it is possible that questions in the interview may prompt thoughts and feelings that you find uncomfortable or distressing. In this situation, the interview will be stopped, allowing you to take a rest until you feel better before we continue the interview. I will also share mental health support resources with you if you wish.

### **Confidentiality**

Any information collected that can identify you will remain confidential. The information that you provide can only be disclosed if (1) it is to protect you or others from harm, (2) a court order is produced, or (3) you provide the researchers with written permission.

In writing up your interview, all identifying details (such as names, school affiliation, or specific references) will be removed or altered to protect your privacy. Your name will be removed from transcripts, as I will use pseudonyms in all documents. Hence, participants will not be identified in any reports or publications.

### **Storage of Data**

Any physical data (such as consent forms) gathered from your participation in the study will be stored in a locked filing cabinet within the study room (in my house). All digital sources of electronic data will be stored only on the Principal Investigator's password-protected MSVU student OneDrive account. Only the researcher (Phuong Nguyen) can access the original interview recordings and identifiable data. All study records will be retained for five years after the completion of the study. After five years, all the data will be deleted. All electronic data (including audio recordings, transcripts, and analysis files) will be permanently deleted to ensure that no data can be recovered. Any physical documents, if printed, will

be shredded using a cross-cut shredder so that all participant information is fully destroyed, and confidentiality is maintained.

## **Results**

The findings of this project will be included in Phuong Nguyen's thesis as fulfilment of her Master's degree. They may also appear in other publications such as journal articles, reports, or academic presentations. The participants can access the full report via Mount Saint Vincent University's library or an electronic copy if requested.

## **Participation is Voluntary**

Participating in this project is completely voluntary. You have the right to withdraw at any time. There are no consequences or disadvantages for not participating or withdrawing from the project.

If you would like to participate in this research project, please indicate by signing the accompanying consent form and returning it to Phuong Nguyen before the commencement of procedures. Thank you for reading this information and for considering participating in the project.

If you have any questions or inquiries regarding this project, please feel free to contact the principal investigator; Phuong Nguyen, Faculty of Education, Mount Saint Vincent University (email: Phuong.nguyen3@MSVU.CA). If any questions, queries, or complaints that have not been addressed to your satisfaction, they can be directed to the University Research Ethics Board of Mount Saint Vincent University with details below. Using the application number: UREB File #: 2023-293.

Brenda Gagné, Research Ethics and Compliance Officer

[\[...\]](#) or [\[...\]](#)

Office Locator: Evaristus #238

Telephone: [\[...\]](#)

Thank you,

**Phuong Nguyen**

**Appendix B**

**CONSENT FORM**

**Project title: Mainstreaming Gender Equality into Legal Education: Perspectives and Challenges in a Vietnamese University**

**Researchers:**

**Principal Investigator:**

**Phuong Nguyen**

MA Candidate, Faculty of Education

Mount Saint Vincent University

Email:

**Faculty Supervisor**

**Dr. Marnina Gonick**

Faculty of Education

Mount Saint Vincent University

Email:

I have been asked to take part in the Mount Saint Vincent University research project specified above. I have read and understood the Information Letter, and I hereby consent to participate in this project.

I consent to the following:	Yes	No
I agree to be interviewed by the researcher.	<input type="checkbox"/>	<input type="checkbox"/>
I agree to allow the interview to be audio-recorded.	<input type="checkbox"/>	<input type="checkbox"/>
I agree to attend a further interview if requested.	<input type="checkbox"/>	<input type="checkbox"/>

I give the principal investigator permission to use the data collected in the project named above and acknowledge that the data may also be published and presented at conferences or in scholarly journals, provided that neither my name nor any of my personal identifying information is used.

I also understand that I have the right to withdraw from the study without any penalty and that I can request the destruction of any information collected from me. I acknowledge that to implement this request, I must inform the researcher (Phuong Nguyen) within four weeks after the interview is completed.

Name of Participant \_\_\_\_\_

Participant Signature \_\_\_\_\_ Date \_\_\_\_\_

## Appendix C

### Semi-structured Interview Guide

**Project title: Mainstreaming Gender Equality into Legal Education: Perspectives and Challenges in a Vietnamese University**

#### Researchers:

**Principal Investigator:**

**Phuong Nguyen**

MA Candidate, Faculty of Education

Mount Saint Vincent University

Email:

Phone:

**Faculty Supervisor**

**Dr. Marnina Gonick**

Faculty of Education

Mount Saint Vincent University

Email:

Phone:

#### **Introduction (to be read at the beginning of the interview)**

Thank you for agreeing to participate in this interview. The purpose of this conversation is to explore your experiences and perspectives on gender and women's issues in legal education. There are no right or wrong answers. Your insights are valuable.

This interview will last approximately 30–60 minutes. You may skip any questions or stop the interview at any time. Your participation is voluntary, and you may withdraw your consent without any penalty within four weeks after the interview without providing any reason. Any collected data will be deleted upon your request.

#### **Main Interview Questions**

Background Information	<ul style="list-style-type: none"> <li>• How long have you been teaching law?</li> <li>• What subjects or areas of law do you typically teach?</li> <li>• <b>Where did you complete your legal training or education?</b> <i>(Was it in Vietnam or another country? What degree(s) did you achieve?)</i></li> <li>• <b>Can you describe how you usually design your syllabus?</b> <i>(Do you follow a set template, or do you choose your own materials and topics? What guides your decisions?)</i></li> </ul>
Perceptions of Gender Equality	<ul style="list-style-type: none"> <li>• In your view, how important is gender equality in legal education? <b>Why or why not?</b> <i>(What role do you think it plays in preparing students for legal practice or understanding the law more fully?)</i></li> <li>• <b>How do you see the connection between the legal field you are teaching and gender-related legal issues in the practice of law in Vietnam?</b> <i>(In what ways do gender considerations arise in your field — or do they not come up at all?)</i></li> </ul>
Teaching Practices	<ul style="list-style-type: none"> <li>• Have you ever included gender or women’s issues in your teaching? If yes, how?</li> <li>• Can you give examples of specific topics, readings, or case studies related to gender that you’ve used?</li> <li>• Are you familiar with feminist legal theory? <i>(If yes, how would you define or describe it in the context of your teaching? and how did students respond?</i> <i>If no: Do you recall coming across any gender-related legal perspectives, theories, or materials during your studies or teaching?)</i></li> <li>• Have you ever taught or discussed cases that involve gender-based legal issues (e.g., discrimination, violence in family law, workplace rights)?</li> <li>• What legal or theoretical approaches do you typically use when discussing gender in class?</li> <li>• Can you share any examples where legal interpretation or policy (in Vietnam or elsewhere) has reflected—or contradicted—principles of gender equality from a feminist legal perspective?</li> </ul>

<p>Student Engagement</p>	<ul style="list-style-type: none"> <li>• How do your students typically respond to discussions of gender in law?</li> <li>• Have you faced any resistance (from students, colleagues, or the institution) when introducing gender or feminist perspectives into your teaching? <i>If yes</i>, how did you navigate those situations?</li> <li>• Have you noticed any changes in students' attitudes over time?</li> </ul>
<p>Institutional Supports or Challenges</p>	<ul style="list-style-type: none"> <li>• What kind of support or guidance (if any) does your faculty or university provide regarding gender equality in teaching?</li> <li>• Are there any institutional barriers or challenges that make it difficult to integrate gender into your courses?</li> </ul>
<p>Suggestions for Development</p>	<ul style="list-style-type: none"> <li>• Do you think gender equality should be integrated into legal education in Vietnam? Why or why not?</li> <li>• Do you think the current law curriculum in Vietnam adequately addresses gender-related legal issues? <i>(If no</i>, what improvements or changes would you recommend to better integrate gender equality into legal education?)</li> <li>• Are there any resources, policies, or training programs you believe would support professors better in this area?</li> </ul>
<p>Closing</p>	<ul style="list-style-type: none"> <li>• Is there anything else you would like to add about your experience or opinions on this topic?</li> <li>• Would you like to receive a summary of the research findings?</li> </ul>

## Appendix D

### Characteristics of the Sample (in Number)

Characteristic	Number of participants
<b>Participant gender</b>	
Female	3
Male	3
<b>Ages</b>	
20-30	1
>30-40	1
>40-50	3
>50-60	1
<b>Years of teaching experience</b>	
3-5 years	2
>5-10 years	1
>10 years	3
<b>Bachelor's degrees in law</b>	
In Vietnam	6
In foreign countries	0
<b>Master's degrees in law</b>	
In Vietnam	3
In foreign countries	3
<b>Doctoral training in law</b>	
In Vietnam	2
In foreign countries	3
<b>Subjects in charge</b>	
Constitutional Law	1
Administrative Law	1
Criminal Law	1
Criminal Procedure Law	1
Civil Law	2
Labor Law	1
Business Law	6
Commercial Law	1
Comparative Law	1
Corporate Governance	1
Tax Law	1
Banking and Finance Law	1
Intellectual Property Law	1
Law on Alternative Dispute Resolution Methods	1
Legal Thinking	1
Law and Digital Economy	1
Legal Drafting Skills	1
Competition Law	1