

Course Outline

COURSE: LAWS 5302 W – Feminism, Law & Social Transformation

TERM: Winter Term 2015

PREREQUISITES:

CLASS: **Day & Time:** Tuesdays 11:30-2:30
 Room: D492 Please check with Carleton Central for current room location

INSTRUCTOR: DORIS BUSS
(CONTRACT)

CONTACT: **Office:** D495
 Office Hrs: Fridays 3:00-4:00 or by appointment
 Telephone: 613 520 2600 EXT 8011
 Email: Doris.buss@carleton.ca

Academic Accommodations

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:
<http://www.carleton.ca/studentaffairs/academic-integrity/>

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures.

Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

COURSE DESCRIPTION

REQUIRED TEXTS

All materials are available on line and/or in the Carleton library.

EVALUATION

(All components must be completed in order to get a passing grade)

Assignments:

Critical Comments (15% each, must complete 2)	30% (see below)
Paper proposal (annotated bibliography)	15% due: 20 February 4:00 pm
Research paper:	40% due: Tuesday April 7 4:00
Seminar leader/Book Review:	15% (sign up in class)

EVALUATION CRITERIA

All your in-class and written assessments will be evaluated in terms of: depth of preparation (demonstrate a familiarity with the course materials and outside research, as relevant); analytical approach (draw on course materials and outside research, as relevant, to advance your arguments; ask and/or open questions and lines of inquiry that demonstrate an ability to go beyond the obvious and well-worn); and clean style (good grammar and style, without sloppy typos, and avoiding gratuitous 'padding' of material).

Specifically, the assignment instructions and evaluation criteria are:

a. Critical Comments: You are required to write two comment pieces on one of the readings for a given (you cannot produce 2 comments on readings from the same week and the article that is your main focus must be selected from one of the secondary sources – not newspaper articles or blogs, eg). These should be 4-5 pages long (but no more than 6), and provide a succinct and accessible overview of the article, identifying first: the author's main point, the underlying problem that gave rise to the author's intervention, and the means by which the author makes their argument (what tools of analysis do they draw upon; what subjects/material do they explore): about 1 page. Second: raise and then explore questions and analytical lines of inquiry either stemming from the article (what are the implications of the author's arguments for the subject-matter, other readings and discussions in this course), or in relation to the article (engage directly with the author's argument and/or approach) (about 2-4 pages). Your discussion should include an analysis of the article in relation to the other articles set for that week and/or in previous weeks.

See marking grid, web ct. Materials marked with an * cannot be the subject of a critical comment.

CRITICAL COMMENTS ARE DUE (without exception) AT THE START OF THE CLASS WHERE THE READING IS ASSIGNED.

b. Seminar leader/book review: Students will take it in turn presenting the articles for a given week and then outlining 2-3 main questions from those readings for class discussion. Students can elect to complete a book review instead of being a seminar lead. Book reviews should be about 6-7 pages long: outlining the key arguments of the book; the author's theoretical location, methods used, topics covered and analysis (this should be the bulk of the review) of the significance of the book to the themes/readings in this course.

Students will sign up for a week to be seminar lead/book review. Students cannot produce a critical comment for the week on which they are the seminar lead. Where more than one student wishes to be a lead in a given week, the student leads should work together.

c. Paper proposal and bibliography

This is a 3-5 page paper proposal that sets out the topic of your research, your main research questions, and the avenues and directions you hope to pursue. A proposal should contain a brief discussion of the background to your topic: what are the events or developments with which your paper is concerned, what developments/directions has the theoretical literature taken, where does your research fit into this background? You should then outline the questions you see emanating from these developments and the literature. Finally, your discussion should outline the directions you are considering to develop your analysis: what theoretical sources, tools or readings might you draw on? What research directions will you pursue? What problems do you anticipate and how might you overcome these?

In addition to the 3-5 page proposal, you are also required to annotate 3 sources (ie books or academic journal articles ONLY!! Newspaper reports, primary sources, are NOT ACCEPTABLE for annotation in this assignment) that you have used in preparing your proposal or that you might use in your research paper. Each annotation should be about 2 paragraphs long, and set out the author's main focus, argument and approach, and why you think this will be useful to your research.

d. Research paper

This should be about 15-20 pages long (and no more than 25) on a topic to be agreed with me. It must be typed and double-spaced. As above, the paper will be evaluated on: depth of research and understanding of the topic; clearly expressed theoretical framework; appropriateness of the topic and the sources used; originality of analysis and ability to move beyond obvious pathways; well organized with clean writing.

Paper Presentation:

In the last 2 weeks of the term, the class will become more informal and each student will briefly discuss their paper. Not all students are comfortable with public speaking, but all graduate students *should* be able to explain their research to an interested audience. This is a chance for you to practice and gain confidence talking about your work. This is meant to be an informal presentation, no more than 15 minutes long providing a short, pithy explanation of your topic, one that could be included in a blog about your work, or that you would give to a prospective employer; explain WHY you are working on this topic: this should be pitched at both a non-expert AND an expert audience: what is important about the subject and what has gone before in the scholarly literature that motivates your interest; and finally, HOW are you doing the research: what are the theoretical tools you are using? What subjects are you examining? What methods?

SCHEDULE AND READINGS

Jan. 6 Introduction to the Course

- Sarah Ahmed. 2014. "Pushy Feminists", Feministkilljoys blog post, nov 16: <http://feministkilljoys.com/>
- Sarah Ahmed. 2014. "White Men", Feministkilljoys blog post, Nov 4.: <http://feministkilljoys.com/2014/11/04/white-men/>
- http://www.thestar.com/opinion/editorials/2014/12/29/the_good_news_on_womens_rights_in_2014_editorial.html
- <http://m.theglobeandmail.com/globe-debate/sorry-we-havent-reached-a-watershed-on-violence-against-women/article21452668/?service=mobile>

Jan 13 Feminism, Gender and Knowledge

- *Susan Glaspell, "A Jury of Her Peers"
<http://www.learner.org/interactives/literature/story/fulltext.html>
- Donna Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective", *Feminist Studies* 1988 14(3): 575-599.
- *Stevi Jackson and Sue Scott, "Introduction: The Gendering of Sociology" in S. Jackson and S. Scott, eds. *Gender: A Sociological Reader* Routledge, pp. 1-22 (on reserve);

Jan 20 Feminisms and postmodern challenges

- *Vanessa Munro, *Law and Politics at the Perimeter: Re-Evaluating Key Debates in Feminist Theory*, Chapter 1: "The Development and Dilemmas of Feminist Theory, pp. 11- 39. [on reserve]
- Mary Joe Frug. 1991-1992. " A Postmodern Feminist Legal Manifesto (An unfinished draft), *Harvard Law Review* 105: 1045-1075;
http://www2.law.columbia.edu/faculty_franke/Certification%20Readings/Frug%20Post%20Modern%20Legal%20Manifesto.pdf
- Joanne Conaghan. 2000. "Reassessing the Feminist Theoretical Project in Law" *Journal of Law and Society* 27 (3): 351-385.
- *Internet Encyclopaedia of Philosophy, "Michel Foucault: Feminism", <http://www.iep.utm.edu/foucfem/>

Jan 27 Feminism, materialism and political economy

- Rosemary Hennessy. 2000. *Profit and Pleasure*. Routledge: chapter 1 (e-book. Carleton library);
- J.K. Gibson-Graham. 1996. *The End of Capitalism (as we knew it): A Feminist Critique of Political Economy*. University of Minnesota Press, chapter 1 (recommended but not required: Introduction to the New Edition, 2006);
- Judy Fudge. 2014. “Feminist Reflections on the Scope of Labour Law: Domestic Work, Social Reproduction, and Jurisdiction” *Feminist Legal Studies* 22: 1-23; **OR**
- Emily Grabham and Jenny Smith. 2010. “From social security to individual responsibility (Part Two): Writing off poor women’s work in the Welfare Reform Act 2009” *Journal of Social Welfare and Family Law* 32(1) 81-93.

Feb 03 Law, Race and Feminism

- Patricia Hill-Collins. 2002. *Black Feminist Thought: Knowledge, Consciousness, and the politics of empowerment*. London: Routledge, ch 2 (available as an ebook, Carleton library)
- Patricia Williams. 1991. “*The Alchemy of Race and Rights: Diary of a Law Professor*, ch. 2 “Gilded Lilies and Liberal Guilt”, pp. 15-43 (Carleton library, reserve);
- Reva B. Siegel. 2000. “Discrimination in the Eyes of the Law: How Color Blindness Discourse Disrupts and Rationalizes Social Stratification;”, *California Law Review* 88(1):
<http://scholarship.law.berkeley.edu/californialawreview/vol88/iss1/5/>
 - Read pp. 81-107 (*Siegel’s article is organized around a response to lecture on US law on anti-discrimination given by Robert Post. It is not necessary to read the first part of Siegel’s summary of Post’s lecture. The objective in reading this article is to pay close attention to her mapping of how ‘color blindness’ and different semantic invocations of ‘race’ in US courts reveal racial stratification US society and law. In this mapping, Siegel’s analysis has much to offer Canadian students reflecting on race in this country and the operation of ‘color blindness’ in Canadian law.*)
- Andrea Smith. 2006. “Heteropatriarchy and the Three Pillars of White Supremacy: Rethinking Women of Color Organizing”, in *Color of Violence: the Incite! Anthology*. Boston: South End Press, ch 6, pp. 66-73 (on reserve)

- [*http://m.thenation.com/article/181648-women-color-and-hidden-trauma-police-brutality](http://m.thenation.com/article/181648-women-color-and-hidden-trauma-police-brutality)

Book Reviews: Patricia J. Williams. 1991. *The Alchemy of Race and Rights*
or Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1990-1950.*

Feb 10 – Indigenous and Post-Coloniality in Feminist (Legal) Thought

- Chandra Mohanty, 1991. “Under western eyes: Feminist scholarship and colonial discourses.” In *Third World Women and the Politics of Feminism*. Ed. Chandra Mohanty et al, Bloomington and Indianapolis: Indiana University Press; reprinted in *Feminism without Borders*, on reserve
- Natasha Bakht, 2008. “Veiled Objections: Facing Opposition to Niqab in Courtroom Settings”, in Lori Beaman, ed., *Reasonable Accommodation: Managing Religious Diversity*. Vancouver: UBC press, 2009, a draft version available from:
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1476029
- Emily Snider. 2014. “Indigenous Feminist Legal Theory” *Canadian Journal of Women and the Law* 26: 365-401;
- Sherene Razack. 2002. “Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George”, in *Race, Space and the Law: Unmapping White Settler Society*, Sherene Raack, ed. Pp. 122-156.

Book Reviews: Patricia Monture. 1995. *Thunder in my Soul: A Mohawk Woman Speaks*
 OR Sherene Razack, 2008. *Casting Out: The Eviction of Muslims from Western Law and Politics*

Feb 17 – No class – Reading Week

**** paper proposal due Friday February 20, 2014 via CU Learn**

Feb 24 The Place of Law

- Carol Smart. 1989. *Feminism and the Power of Law*. New York and London: Routledge, ch. 2. [ebook available Carleton];
- Carol Smart. 1986/1995. “Feminism and Law: Some Problems of Analysis and Strategy”, in Carol Smart, *Law, Crime and Sexuality: Essays in Feminism* OR, (originally published in): *International Journal of the Sociology of Law* 14(2): 109-123.
- *Carol Smart. 2012. “Reflection”, *Feminist Legal Studies* 20: 161-165;

- Claire Young and Susan Boyd. 2006. "Losing the Feminist Voice? Debates on the Legal Recognition of Same Sex Partnerships in Canada" *Feminist Legal Studies* 14(2): 213-240

Recommended:

- Merry, Sally E. 2003. "Rights Talk and the Experience of Law: Implementing Women's Human Rights to Protection from Violence" *Human Rights Quarterly* 25(2): 343-381 [online].

Book Reviews: Rebecca Johnson. 2002. *Taxing Choices: The Intersection of Class, Gender, Parenthood and the Law*, Vancouver: UBC

Sally Merry *Human Rights & Gender Violence: Translating International Law into Local Justice*

Davina Cooper. 1994. *Sexing the City: Lesbian and Gay Politics within the Activist State*.

March 03 – Theorising Sexual Violence, Rape and Law Reform

- *Karen Busby, "Not a Victim until a Conviction is Entered': Sexual Violence Prosecutions and Legal 'Truth'", in Elizabeth Comack, ed. *Locating Law: Race/class/gender connections*, 1999: [ebook available Carleton]
- Carine Mardorissian. 2002. "Toward a New Feminist Theory of Rape" *Signs* 27(3): 743-775;
- Lise Gotell. "The Discursive Disappearance of Sexualized Violence: Feminist Law Reform, Judicial Resistance and Neoliberal Sexual Citizenship," in Dorothy E. Chunn, Susan B. Boyd, and Hester Lessard, eds., *Feminism, Law and Social Change: (Re)action and Resistance*, (Vancouver: UBC Press, 2007), 127-163. [ebook]
- Aya Gruber. 2009. "Rape, Feminism and the War on Crime" *Washington Law Review* 84: 581-658.
- https://www.opendemocracy.net/5050/rahila-gupta/what-will-it-take-to-end-violence-against-women-in-uk?utm_source=50.50+list&utm_campaign=f99b8e71b5-RSS_5050_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_89d6c8b9eb-f99b8e71b5-407842501

- <http://www.winnipegfreepress.com/opinion/analysis/case-shows-the-perils-of-being-a-woman-283573201.html>

Book:

Kristen Bumiller. 2008. *In an Abusive State: how neoliberalism appropriated the feminist movement against sexual violence*. Duke University Press.

March 10 – Rape Myths and ‘Myths’? about Rape Myths and University Campuses

- Helen Reece. 2013. “Rape Myths: Is Elite Opinion Right and Popular Opinion Wrong?” *Oxford Journal of Legal Studies* 33(3):
- Joanne Conaghan and Yvette Russell. 2014. “Rape Myths, Law, and Feminist Research: ‘Myths about Myths’?” *Feminist Legal Studies* 22:25-48
- http://www.huffingtonpost.com/naomi-shatz/feminists-we-are-not-winn_b_6071500.html?utm_hp_ref=breakingthesilence
- <http://www.rollingstone.com/culture/features/a-rape-on-campus-20141119?page=7>
- <http://www.macleans.ca/education/unirankings/why-dont-canadian-universities-want-to-talk-about-sexual-assault/>
- <https://www.insidehighered.com/news/2014/12/08/campus-advocates-sexual-assault-issues-fear-impact-rolling-stone-article-boosted>
- <http://www.rollingstone.com/politics/news/confronting-campus-rape-20140604>
- http://www.cbc.ca/news/canada/nova-scotia/dalhousie-dentistry-student-speaks-out-about-sexism-in-faculty-1.2876591?utm_content=buffer565d5&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer
- <http://www.cbc.ca/news/canada/nova-scotia/dalhousie-professors-go-public-with-facebook-scandal-complaint-1.2889231>
- Carleton University Policy: <http://carleton.ca/equity/>
- https://www.opendemocracy.net/5050/anne-marie-goetz/preventing-violence-against-women-sluggish-cascade?utm_source=50.50+list&utm_campaign=f99b8e71b5-RSS_5050_EMAIL_CAMPAIGN&utm_medium=email&utm_term=0_89d6c8b9eb-f99b8e71b5-407842501

March 17 - War and Peace and the Political Economy of Sexual Violence

- Cynthia Enloe. 2004. *The curious feminist: Searching for women in a new age of empire*, chapter 7 (read whole chapter): “All the men are in the militias, all the women are victims: the politics of masculinity and femininity in nationalist wars” (ebook and on reserve);

- Mats Utas. 2005. "Victimcy, Girlfriending, Soldiering: Tactic Agency in a Young Woman's Social Navigation of the Liberian War Zone", *Anthropological Quarterly*, 78(2): 403-430;
- Nynke Douma and Dorothea Hilhorst. 2012. "*Fond de commerce?* Sexual Violence assistance in the Democratic Republic of Congo" Report, Wageningen University, (available on line at Wageningen University).

Recommended:

- Fionnuala Ni Aolain. 2009. "Exploring a Feminist Theory of Harm in the Context of Conflicted and Post-conflict Societies", http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1507793

Book: Book: Jacqui True. 2012. *The Political Economy of Violence against Women*

March 24 and March 31 : paper presentations

******Papers due 7 April (without exception!), by CU Learn**