

Course Outline Template

COURSE:	LAWS 4002 – Feminist Theories of Law
TERM:	Fall 2023
PREREQUISITES:	LAWS 2908 and fourth-year Honours standing
CLASS:	Day & Time: Fridays, 2:35pm- 5:25pm (weekly) Room: Please check Carleton Central for current room location
INSTRUCTOR:	Dr. Tiffany MacLellan
CONTACT:	Office Hrs: By appointment (Zoom) Email: tiffanymaclellan@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

The literature comprising feminist perspectives on law; theoretical bases of these perspectives; place of feminist theories within other critiques of law; significance of different feminist theories for equality theory and law reform strategies; unique contributions of the various perspectives.

COURSE DESCRIPTION

Feminism is comprised of myriad schools of thought that seek to answer questions regarding the attainment of equality, agency, and emancipation from diverse and often competing footings. This course focuses on the feminist sex wars and their grappling with bondage/discipline, domination/submission, sadism/masochism (BDSM) sexualities and ways of being.

A NOTE ON COURSE CONTENT

Some readings slated in this course describe (sex) acts in order to advance arguments that BDSM-rooted sexualities are a form of violence and/or the manifestation of unequal power relations. Other readings describe these (sex) acts in defense of the BDSM community's way of being. Please weigh the significance such debates might have on your ability to participate in this course. If you have concerns regarding the material prior to or through-out the course, please do not hesitate to raise them with me. My objective is to foster a critical, comfortable yet challenging educational environment where students can explore the relationship between feminist legal theory and BDSM.

REQUIRED TEXTS

All readings associated with this course are available on Brightspace.

EVALUATION

Participation (30%): Much of the intellectual value of this course arises from in-class discussions. As this course is delivered in a seminar format, students are expected to prepare themselves by reading all materials prior to each class. The goal is to make the seminar a productive place to think through the material together, respectfully. Participation marks are earned by attending the seminar and by providing quality contributions to class discussions. As this course is organized in seminar format, all students are expected to come to class prepared.

Reading Responses (30%): Each student is required to produce five reading reflections over the course of the term. Each reflection should: 1) provide an accurate summary of the author's arguments in your own words (please use citations for indirect quotes); 2) feature a description of the key concepts used to mount the argument; 3) address the weekly question posed on Brightspace 4) include 3 open ended questions that can be posed to the class. Each reading response will be marked on a "pass/fail" basis. To "pass," students will need to speak to all four elements identified above, and have uploaded their response prior to class. Each reflection is expected to be 3 pages long (double spaced).

Final Paper (40%): The objective of this assignment is to provide students an opportunity to demonstrate their mastery of feminist legal theory. Students are required to leverage no less than 6 readings from the course to craft a critical analysis of Pat Califia's short story, "The Hustler." The paper is expected to be 3000 words, double spaced. Refined expectations for this assignment will be made available on Brightspace.

Due: December 1st at 5pm via Brightspace.

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean. All components must be successfully completed in order to receive a passing grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Assignments submitted after the due date will be accepted at the cost of 3 marks per day.

The granting of extensions is determined by the instructor, who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

September 8th: Introduction

West, Robin (2018) "Women in the Legal Academy: A Brief History of Feminist Legal Theory." *Fordham law review* 87(3): 977–1003.

This class will provide an overview of the course and correlative assignments. Students will also identify the readings that they will be required to respond to through-out the semester.

September 15th: Scientia Sexualis v Ars Erotica

Foucault, Michel (1978) "Scientia Sexualis" in *The History of Sexuality, Volume 1: An Introduction*, Random House (New York): 53-73.

Byrne, Romana (2013) "Introduction" in *Aesthetic Sexuality: A Literary History of Sadomasochism*, Bloomsbury (New York): 1-13.

September 22nd: Charting Feminist Legal Theory

Levit, Nancy., and Robert R. M. Verchick. (2006) "Feminist Legal Theories" in *Feminist Legal Theory : A Primer*. New York University Press (New York): 11-39.

Thomas, Tracy (2020) "The Long History of Feminist Legal Theory," in *The Oxford Handbook of Feminism and Law in the United States*, Deborah L. Brake, Martha Chamallas & Verna L. Williams (eds.) Oxford University Press (London): 1-18.

September 29th: SM + Pornography I

MacKinnon, Catharine (1989) "Sexuality," in *Toward a Feminist Theory of the State*, Harvard University Press (Cambridge): 126-154.

Dworkin, Andrea (1979) "Pornography & Grief." *Sister*, 10(1): 12–14.

October 6th: SM + Pornography II

Rubin, Gayle (2011) "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality." In *Deviations*, Duke University Press (Durham): 137-182

Khan, Ummni (2014) "The Legal Fondling of S/M Pornography" in *Vicarious Kinks: S/M in the Socio-Legal Imaginary*, Toronto University Press (Toronto): 184-224.

October 13th: SM + Consent

Bauer, Robin (2021) "Queering consent: Negotiating critical consent in les-bi-trans-queer BDSM contexts," *Sexualities*, 24(5-6), 767-783.

Khan, Ummni (2009) "A Woman's Right to Be Spanked: Testing the Limits of Tolerance of S/M in the Socio-Legal Imaginary." *Law & Sexuality* 18: 79- 120.

October 20th: SM + Work

Lindemann, Danielle (2012) "Whip Therapy," in *Dominatrix: Gender, Eroticism, and Control in the Dungeon*, The University of Chicago Press (Chicago): 127-145.

O'Doherty, Tamara, and Kathleen Cherrington (2023) "Commodified BDSM Services: Professional Dominatrices' Views on Their Work and Its Criminalization." *Archives of Sexual Behavior* 52(3): 1285-1298.

October 27th : Reading Week

November 3rd: SM + Race

Weiss, Margot Danielle (2011) "Sex Play and Social Power," in *Techniques of Pleasure: BDSM and the Circuits of Sexuality*, Duke University Press (Durham): 187-219.

Cruz, Ariane (2021) "Not a Moment Too Soon: A Juncture of BDSM and Race." *Sexualities* 24(5-6): 819-824.

November 10th: SM + Contemporary Art

Reynolds, Dawn (2007) "Disability and BDSM: Bob Flanagan and the case for sexual rights." *Sexuality Research & Social Policy*, 4(1): 40-52.

Schneemann, Carolee (1991) "The Obscene Body/Politic." *Art Journal* 50(4): 28-35.

November 24th: Film Viewing + Discussion

Rugoff, Ralph (1993) "Bob Flanagan," *Artforum International*, 32(4): 64-66

Film: "Sick- The Life and Death of Bob Flanagan" (1994)

December 1st: Concluding Thoughts

Campbell, Andy (2020) "How to Talk About Tom," in *Bound Together: Leather, Sex, Archives, and Contemporary Art*, Manchester University Press (Manchester): 55-79.

Final Papers are due at 5pm via Brightspace.

University and Departmental Policies**DEPARTMENT POLICIES AND REGULATIONS**

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

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: <https://carleton.ca/registrar/academic-integrity/>.

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 accommodation

regarding a formally-scheduled final exam, you must complete the [Pregnancy Accommodation Form](#).

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 [click here](#).

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).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor 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. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.