Carleton University Fall 2019

PECO 5501F: Feminist Perspectives on Law and Neoliberalism
Monday: 2.30-5.30pm
Room: TBC
Instructor: Katie Cruz
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Aims and Learning Outcomes:

In this course, we will be concerned with accounts of feminist engagement with law and neoliberalism. It is common for scholars to describe state and legal relations and reasoning as neoliberal. Scholars also observe an ascendancy of feminist engagement with state and legal institutions that corresponds with the rise of neoliberalism. A common critique is that feminists that lack a redistributive agenda have installed themselves within, have been co-opted by, and are conspiring with, neoliberal legal institutions. We will begin by thinking through the relationship between neoliberalism and law. What is “neoliberalism” and what are the historical and contemporary connection with legal relations? What types of feminism have engaged with national and international legal orders and with what intentions and effects? Have feminist engagements with the law and state neglected redistributive and material concerns? How are we to assess the successes and failures of feminism and do terms such as “governance feminism”, “carceral feminism”, and “femonationalism” help or hinder our efforts?

Student learning outcomes for this course include:

- Demonstrating competence in key aspects of the tradition of feminist legal and political theorizing that concerns the relationship between the law and neoliberalism
- Demonstrating a working knowledge of how key concepts are applied to understand empirical developments
- Developing research skills in feminist legal and political theory

Organization and Assessment:

We meet weekly in seminar format. Students are expected to complete the required readings for each seminar, participate fully in discussions, and fulfill the written requirements.

Seminars are organized around texts that have had a significant impact on how we understand the relationship between feminism, law and neoliberalism. The seminar readings have been organized to allow students to gradually develop and situate their knowledge historically and empirically, so in relation to theories of neoliberalism, feminist legal theory, and empirical contexts that concerned feminist theorists and activists.

Each week will be led by a roundtable set of questions from students, in which each student will provide one or two questions to the group. These questions will
be used to structure seminar discussions. Each week 2 students will be required to present a text from the 'suggested reading list' or chosen and with the agreement of the course leader. This presentation will follow on from our discussion of the 'required reading' and student questions.

The assessment for this course is based upon oral participation in seminar discussion and on two written assignments. Non-assessed feedback will be provided on your research essay outline:

- Oral participation: 25% (ongoing)
- Review essay: 25% (due Friday 8th November)
- Research essay outline: non-assessed feedback (due in anytime up until week 10 – Friday 15th November)
- Research essay: 50% (due Monday 9th December)

The oral participation component is assessed over the entire semester. Aspects of your participation that are graded include the quality of your interventions, the familiarity which you display with the assigned reading material, the comprehension of the material as demonstrated by your interventions, and the degree of value which your contributions add to the seminar discussion.

The written assignments are to be submitted via the appropriate assignment dropdown on cuLearn. Please use Word or PDF format.

The review essay is a critical assessment of the relationship between feminism, law and neoliberalism. This essay (MAXIMUM length 2000 words excluding notes and references) is worth 25% of your grade. You are to assess the strengths and weaknesses of how an author theorizes the relationship between law and neoliberalism from a feminist perspective. As such, your review should be an interrogation and engagement with how the author uses the tradition within which their work is situated. Given the length, it will be impossible to provide an exhaustive overview of the work in question; rather, you should interrogate one or two aspects of the text that you find particularly insightful or problematic, and which marks out an element of that author’s contribution to the field. (The essay is due Friday 8th November).

The research essay (MAXIMUM length 4000 words excluding notes and references) is worth 50% of your grade. It can be on any aspect of feminist legal and political theory that we touch upon during the course. The course director must approve the topic you develop. As part of the approval process you will receive feedback on a 500-word outline submitted by Monday of week 10. It
should contain the title, a brief description of the problem you are interested in exploring, the research question you will formulate to explore your problem, an indication of how the paper will be organized, a sense of the relevant literature (with a select bibliography), and a summary of the intended argument. The completed research paper is due **Monday 9th December**.

- **Course texts:**

There is no set text for you to purchase. We will discuss online resources and books that might be useful in the first seminar. You may, however, find it useful to familiarize yourself with some of the texts, and critiques, of key “neoliberal feminists” via popular and quick reads, such as:


- Liza Featherstone (ed), *False Choices: The Faux Feminism of Hillary Rodham Clinton* (Verso 2016)


**Week 1: Introduction**

Required reading:


- Joanne Conaghan, *Law and Gender* (Oxford University Press 2013). Please read Chapter 3 “Theorizing the Relationship Between Law and Gender”

- At some point in the first couple of weeks you should also read the following article, which is a response to Joanne Conaghan and will give you an idea of the dominant mode of legal reasoning: Leslie Green, “Gender and the Analytical Jurisprudential Mind” (2015) *Oxford University Research Series*, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2650448](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2650448)
Suggested reading:


**Week 2: Theorizing Neoliberalism: Social Reproduction, Class and Late Capitalism**

Required reading:

- David Harvey, *A Brief History of Neoliberalism* (OUP 2005)


AND/OR


Suggested reading:


**Week 3: Theorizing Neoliberalism: Norms and Governmentality**
Week 4: Neoliberalism and Law

Required reading:

• Wendy Brown, *Undoing the Demos: Neoliberalism’s Stealth Revolution* (Zone Books 2015). Read Chapter 4-6.


• Lois McNay, ‘Self as Enterprise Dilemmas of Control and Resistance in Foucault’s The Birth of Biopolitics’ (2009) 26(6) Theory, Culture and Society 55-77


• Dean Spade, “Trans Politics on a Neoliberal Landscape” (2008-9) 18(2) Temple Political and Civil Rights Law Review 353-373

• Honor Brabazon (ed) *Neoliberal Legality: Understanding the Role of Law in the Neoliberal Project* (Routledge 2016)

**Week 5: “Neoliberal Feminism”: Consumers and Critics**

**Required reading:**

• Catherine Rottenburg, *The Rise of Neoliberal Feminism* (Oxford University Press 2018). Read Introduction and Chapter 1, 2 and 3


**Suggested reading:**

• Verónica Schild, “Feminism and Neoliberalism in Latin America” (2015 Nov/Dec) 96 *New Left Review* 59-74

• Sara Farris & Catherine Rottenburg, “Introduction: Righting Feminism” (2017) 91 *New Formations*, available at: https://www.lwbooks.co.uk/new-formations/91/righting-feminism-intro

• Nancy Fraser, “Feminism, Capitalism and the Cunning of History” (2009 Mar/Apr) 56 *New Left Review* 97-117
• Joanne Conaghan, “Reassessing the Feminist Theoretical Project in Law” (2000) 27 *Journal of Law and Society* 351

• Nancy Fraser, “How feminism became capitalism’s handmaiden - and how to reclaim it” (2013) *Guardian*, available at: https://www.theguardian.com/commentisfree/2013/oct/14/feminism-capitalist-handmaiden-neoliberal


**Week 6: Feminism, Neoliberalism and the Law: Governance Feminism**

Required reading:

• Janet Halley et al, *Governance Feminism: An Introduction* (University of Minnesota Press 2018). Read Chapter 1, 2 and 3 and Conclusion.

Suggested reading:


**Week 7: Feminism, Neoliberalism and the Law: Carceral Feminism**

Required reading:

• Elizabeth Bernstein, “Carceral politics as gender justice? The “traffic in women” and neoliberal circuits of crime, sex, and rights” (2012) 41(3) Theory and Society 233-259

Suggested Reading:


Week 8: Feminism, Neoliberalism and the Law: Femonationalism

Required reading:

• Sara Farris, In the Name of Women’s Rights: The Rise of Femonationalism (Duke University Press 2017)

Suggested reading:

• Jasbir K Puar, Terrorist Assemblages: Homonationalism in Queer Times (Duke University Press 2007)

• Hester Eisenstein, Feminism Seduced: How Global Elites Use Women’s Labour and Ideas to Exploit the World (Routledge 2009)

Week 9: Feminism, Neoliberalism and the Law: Development & Debt

Required reading:

• Kate Bedford, Developing Partnerships: Gender, Sexuality and the Reformed World Bank (University of Minnesota Press 2009).
Week 10: Feminism, Neoliberalism and the Law: Sexual and Domestic Violence I

Required reading:


Week 11: Feminism, Neoliberalism and the Law: Sexual and Domestic Violence II

Required reading:


AND/OR


Week 12: Feminism, Neoliberalism and the Law: The Family

Required reading:


Week 12: Feminism, Neoliberalism and the Law: Sex Work

Required reading:


• Mariana Valverde, “From Bad to Worse via a Successful Constitutional Challenge: The Tragedy of Feminist Engagement with Prostitution Law Reform in Canada” in Janet Halley et al (eds) Governance Feminism: Notes from the Field (University of Minnesota Press 2019) 263-286