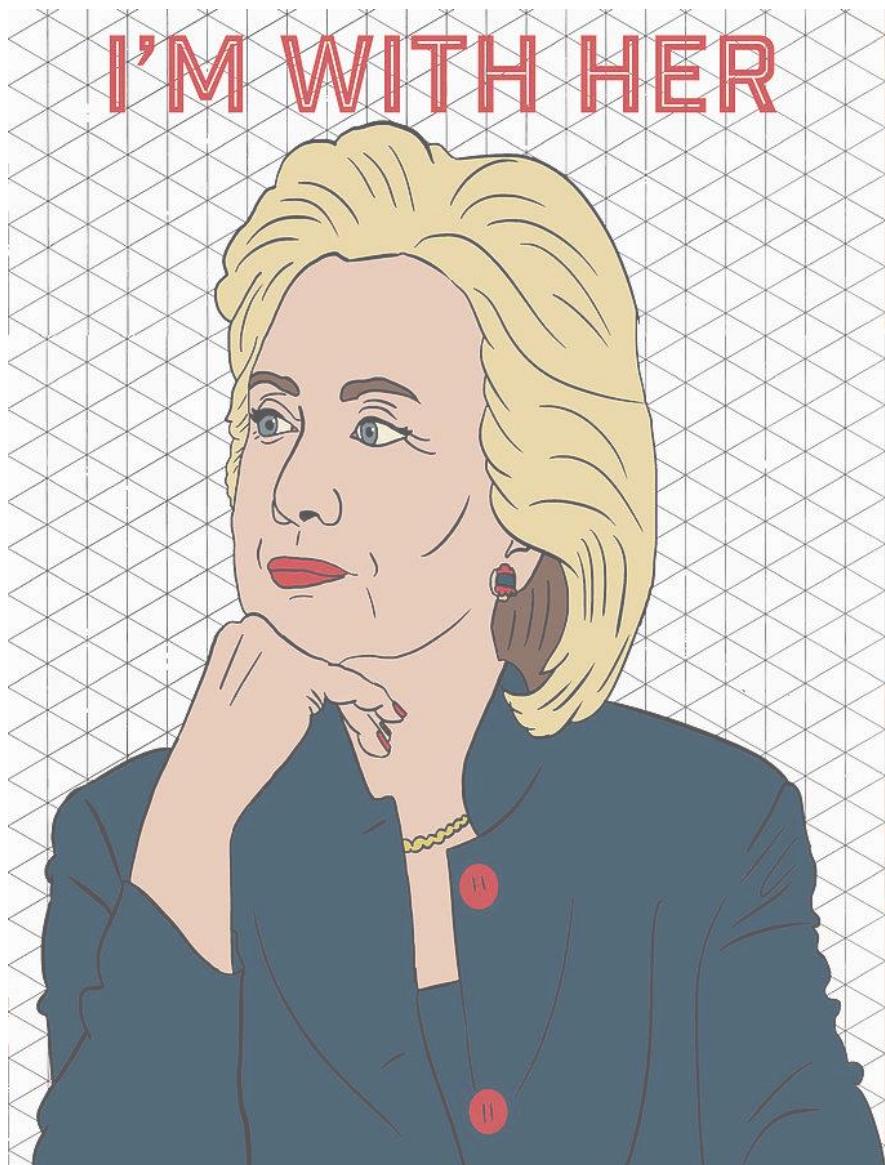


PECO5501F/PSCI 5501F/SOCI 5504F
Feminist Perspectives on Law and Neoliberalism
Monday: 2:35-5:25pm
Room: 1524 Dunton Tower (Please confirm location on Carleton Central)
Instructor: Katie Cruz
Office: 1503 Dunton Tower. E-Mail: katie.cruz@carleton.ca



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 connections 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 “femonalism” 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 dropbox 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 **Friday 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:

- Sheryl Sandberg, *Lean In: Women, Work, and the Will to Lead* (WH Allen 2015)
- Liza Featherstone (ed), *False Choices: The Faux Feminism of Hillary Rodham Clinton* (Verso 2016)
- Dawn Foster, *Lean Out* (Repeater Books 2015)

Sept 9 - Week 1: Introduction

Required reading:

- Wendy Brown and Katie Cruz, “Feminism, Law, and Neoliberalism: An Interview and Discussion with Wendy Brown” (2016) 24(1) *Feminist Legal Studies* 69-89
- 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##

Suggested reading:

- 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>
- Brenna Bhandar & Denise Ferreira da Silva, “White Feminist Fatigue Syndrome” (2013) *Critical Legal Thinking*, available at:
<http://criticallegalthinking.com/2013/10/21/white-feminist-fatigue-syndrome/>

Sept 16 - Week 2: Theorizing Neoliberalism: Social Reproduction, Class and Late Capitalism

Required reading:

- David Harvey, *A Brief History of Neoliberalism* (OUP 2005)
- Silvia Federici, “Social reproduction theory: History, issues and present challenges” (2019) *Radical Philosophy*, available at:
<https://www.radicalphilosophy.com/article/social-reproduction-theory-2>

AND/OR

- Silvia Federici, *Revolution at Point Zero: Housework, Reproduction, and Feminist Struggle* (PM Press 2012). Read Part II: *Globalization and Social Reproduction*

Suggested reading:

- David Harvey “Neoliberalism is a Political Project” (2016) *Jacobin*, available at: <https://www.jacobinmag.com/2016/07/david-harvey-neoliberalism-capitalism-labor-crisis-resistance/>
- Gérard Duménil & Dominique Lévy, *Capital Resurgent: Roots of the Neoliberal Revolution* (Harvard University Press 2004)

Sept 23 - Week 3: Theorizing Neoliberalism: Norms and Governmentality

Required reading:

- Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (Zone Books 2015). Read Chapter 1-3

Suggested reading:

- Michel Foucault, *The Birth of Biopolitics: Lecture at the Collège de France 1978-1979* (Michel Senellart ed, and Graham Burchell tr, Palgrave Macmillan 2008)
- Aihwa Ong, *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* (Duke University Press 2006)
- Wendy Brown, *In the Ruins of Neoliberalism* (Columbia University Press 2019)
- Jeremy Gilbert, “What Kind of Thing Is ‘Neoliberalism’?” (2013) 80/81 *New Formations*, available at:
https://www.lwbooks.co.uk/sites/default/files/nf8081_02gilbert.pdf
- Jeremy Gilbert and Mark Fisher, “Capitalist Realism, Neoliberal Hegemony: A Dialogue” (2013) 80/81 *New Formations*, available at:
https://www.lwbooks.co.uk/sites/default/files/nf8081_07fisher_gilbert.pdf

Sept 30 - Week 4: Neoliberalism and Law

Required reading:

- Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (Zone Books 2015). Read Chapter 4-6.
- Robert Knox, “Law, neoliberalism and the constitution of political subjectivity: The case of organised labour” in Honor Brabazon (ed) *Neoliberal Legality: Understanding the Role of Law in the Neoliberal Project* (Routledge 2016)

Suggested reading:

- Robert Knox, “Legalising the Violence of Austerity” in Vicky Cooper and David Whyte (ed) *The Violence of Austerity* (Pluto Press 2017)
- 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
- Ben Golder & Daniel McGoughlin, *The Politics of Legality in a Neoliberal Age* (Routledge 2019)
- 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)

Oct 7 - 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
- Margaret Thornton, “Neoliberal Melancholia: The Case of Feminist Legal Scholarship” (2004) 20(1) *Australian Feminist Law Journal* 7-22

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>
- Brenna Bhandar & Denise Ferreira da Silva, “White Feminist Fatigue Syndrome” (2013) *Critical Legal Thinking*, available at:
<http://criticallegalthinking.com/2013/10/21/white-feminist-fatigue-syndrome/>

Oct 14 - Thanksgiving

Oct 21 – Break – No Classes

Oct 28 - 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:

- Janet Halley, *Split Decisions: How and Why to Take a Break from Feminism* (Princeton University Press 2006)
- Pieces from the *Split Decisions* Book Review Symposium, *International Journal of Law in Context* (2010) 6(1):
<https://www.cambridge.org/core/journals/international-journal-of-law-in-context/issue/3CFBE685622A275816A288C29429F264>

Nov 4 - Week 7: Feminism, Neoliberalism and the Law: Carceral Feminism

Required reading:

- Kristen Bumiller, *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence* (Duke University Press 2008).

- 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:

- Elizabeth Bernstein, “Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Anti-trafficking Campaigns” (2010) 36(1) *Signs: A journal of women in culture & society* 45-71
- Stephen Dillon, *Fugitive Life: The Queer Politics of the Prison State* (Duke University Press 2018)

Nov 11 - 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)

Nov 18 - 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).

Nov 25 - Week 10: Feminism, Neoliberalism and the Law: Sexual and Domestic Violence I

Required reading:

- Lise Gotell, “Reassessing the Place of Criminal Law Reform in the Struggle Against Sexual Violence: A Critique of the Critique of Carceral Feminism” in Anastasia Powell, Nicola Henry, and Asher Flynn (eds) *Rape Justice: Beyond the Criminal Law* (Palgrave MacMillan 2015) 53-71.
- Chloe Taylor, “Anti-Carceral Feminism and Sexual Assault — A Defense: A Critique of the Critique of the Critique of Carceral Feminism” (2018) 34 *Social Philosophy Today* 29-49

Dec 2 - Week 11: Feminism, Neoliberalism and the Law: The Family

Required reading:

- Melinda Cooper, *Family Values: Between Neoliberalism and the New Social Conservatism* (MIT Zone Books 2017)
- Libby Adler & Janet Halley, “You Play, You Pay” Feminists and Child Support Enforcement in the United States” in Janet Halley et al (eds) *Governance Feminism: Notes from the Field* (University of Minnesota Press 2019) 287-316

Dec 6 - Week 12: Feminism, Neoliberalism and the Law: Sex Work

Required reading:

- Elene Lam, Chanelle Gallant, Robyn Maynard and Monica Forrester, “A Roundtable on Sex Work Politics and Prison Abolition” (2016) *Upping the Anti*, available at:
<https://uppingtheanti.org/journal/article/18-sexworker>

- 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

Academic Accommodations

Requests for Academic Accommodation

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

Pregnancy obligation

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. For more details, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Religious obligation

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. For more details, visit the Equity Services website: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact the Paul Menton Centre for Students with Disabilities (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation or contact your PMC coordinator to send your instructor your Letter of Accommodation at the beginning of the term. You must also contact the PMC 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 your instructor as soon as possible to ensure accommodation arrangements are made.

carleton.ca/pmc

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 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: carleton.ca/sexual-violence-support

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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: students.carleton.ca/course-outline

Plagiarism

The University Senate defines plagiarism as “presenting, whether intentional or not, the ideas, expression of ideas or work of others as one’s own.” This can include:

- 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;
- submitting a take-home examination, essay, laboratory report or other assignment written, in whole or in part, by someone else;
- using ideas or direct, verbatim quotations, or paraphrased material, concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings;
- failing to acknowledge sources through the use of proper citations when using another's works and/or failing to use quotation marks;
- handing in "substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs.

Plagiarism is a serious offence which cannot be resolved directly with the course's instructor. The Associate Deans of the Faculty conduct a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They may include a mark of zero for the plagiarized work or a final grade of "F" for the course.

Student or professor materials created for this course (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the author(s). They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s).

Grading

Standing in a course is determined by the course instructor, subject to the approval of the faculty Dean. Final standing in courses will be shown by alphabetical grades. The system of grades used, with corresponding grade points is:

Percentage	Letter grade	12-point scale	Percentage	Letter grade	12-point scale
90-100	A+	12	67-69	C+	6
85-89	A	11	63-66	C	5
80-84	A-	10	60-62	C-	4
77-79	B+	9	57-59	D+	3
73-76	B	8	53-56	D	2
70-72	B-	7	50-52	D-	1

Approval of final grades

Standing in a course is determined by the course instructor subject to the approval of the Faculty Dean. This means that grades submitted by an instructor may be subject to revision. No grades are final until they have been approved by the Dean.

Carleton E-mail Accounts

All email communication to students from the Institute of Political Economy will be via official Carleton university e-mail accounts and/or cuLearn. As important course and University information is distributed this way, it is the student's responsibility to monitor their Carleton and cuLearn accounts.