Feminism, Courts and Law
Dr. Srimati Basu

Course Description:

This course examines women and law in cross-cultural and theoretical context. In this course, we look at law not merely as being in the domain of legislation and adjudication, but as a cultural object, an important signifier in politics, a technology for people’s strategic use. We read some classic texts of Feminist Jurisprudence that problematize concepts such as equality, difference, justice, and agency, applying them to contemporary debates. We will try to evaluate concepts that have proved useful over time and others which appear to have troubled legacies, seeking to map the complicated terrain through which legal remedies can be used. We will also read (and watch) several ethnographies of legal spaces such as law offices, courtrooms, and informal dispute resolution venues, to concretely study the ways in which gender operates in legal realms. Critical Legal Studies, which studies the ways in which race and class are embedded in law, is another significant strand. Other questions include: Is it possible to eradicate sexual violence through law? Can marriage/ domestic partnerships be inscribed outside the domain of exchange? Is human rights discourse the best solution for mainstreaming gender justice issues?

Course Objectives/ Goals:

1. To understand and explain the operations of law as a discourse of power and of strategy.
2. To become familiar with theoretical concepts in Feminist Jurisprudence, Critical Legal Studies, and Feminist Legal Anthropology.
3. To reflect on contemporary uses of law as a cultural discourse of gender, race, class and nation through response papers and a law and culture journal.
4. To design a research paper studying gender through the lens of law, attentive to the cross-cultural workings of law.

Books/ Resources:

5. Other articles on Blackboard: make sure I have the right address for you.

Grading and Assignments:

*Law and Culture Journal (20%): A folder of clippings about current issues in the law (or less-than-current issues depending on your interests). Be on the lookout for these – think global and local, and think of questions that have come up in our readings. I encourage you to use this tool to reflect not just on your particular area of research interest, but on legal culture more broadly. Each object/clipping should be accompanied by a short written analysis: 400-500 words which are a brief comment on what you found salient about the piece. Focus here on making an argument, however brief, rather than merely “applying” a line from a reading. You should have at least ten entries in the course of the semester – I aim to set aside some time each week for you to share your finds with the class, and I may collect the journals periodically as well.*
Weekly Responses (40%, includes Participation grade described below): One of the principal ways we will listen to and talk to each other in this class is through weekly responses to the readings. Each week, please post a 1-2 page entry on the readings by 4pm on Tuesdays (i.e. about 24 hours before we meet in class), and please read others' postings by class time. [You get 2 ‘timeouts,’ that is, you can pick 2 weeks where you need not post an entry.] As indicated on the syllabus, on most weeks I have given you prompts to write to, and others I’ve left open; in any case, you do not need to strictly answer the prompt but can write on any themes or questions that particularly draw you in, or in response to others’ concerns. You may focus on one article more than others (but demonstrating some knowledge of the set of texts will be important). Comparison across the semester’s readings is highly encouraged. You are welcome to focus on one issue across the articles, or a number of issues in one article, or indeed a very close reading of a particular passage. Make sure, however, that you provide a sense of the material you are critiquing through summary or paraphrase, while also clearly highlighting your own argument. This skill may get easier over time, and I’m very happy to be consulted along the way.

Attendance and Participation: Your active participation and critical attentiveness to readings is a vital component of this class. It is designed as a seminar, meaning we will spend a lot of time reading texts closely, trying to make sense of them, making comparisons between texts, attending carefully to each others’ interpretations, being curious and critical with the readings, noticing their relationship to your experiences, respectfully attending to diverse points of view. Many people will be encountering a lot of unfamiliar material, so your willingness to teach others and learn from others will be most welcome. On 1-2 days, depending on the size of the class, you will make a presentation about some aspect of the material to the class. On other days, you are responsible for being an active and engaged listener: take good notes on books and articles, films and speakers, and response paper/s for the day. You need to be present for all class meetings; any more than one unexcused absence will adversely affect your grade by 4% per additional absence.

Research Paper: Select a topic for your paper that focuses on gender and legal culture – you have latitude to interpret those two terms quite broadly, and to throw in any other issues that have come up during the semester, but please consult with me before you pick a final topic. Use the space of this paper (around 18-22 pages) to gather further information on the subject, and to formulate an argument that engages a theoretical debate and perhaps also a related political debate; think of the paper not as an informational tour but as showcasing an argument. You can conduct your own field research to gather data, or rely on bibliographic sources. Prospectus: In about 500 words (typed), explain: a. what your subject is and what more you want to find out about it; b. what sources will be relevant, and what you have found so far (you should have carried out some searches at this point, and identified a few possibilities). Finally, you will be presenting your findings to the class during the last week of classes in a 10-15 minute formal presentation (a different mode of presenting your research than the written paper, so think about presentation strategies). Both the prospectus and the presentation will be a required part of your grade for the paper.
### Schedule (Subject to change depending on our discussions, so please stay alert):

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| 1/14    | What is Law?                   | W.H. Auden, “Law, say the gardeners, is the sun”  
Peruse Section 1 of FLT and Introduction and Part II of CRF |
Stanley Fish, Selections from *Doing What Comes Naturally*  
Finley, “Breaking Women’s Silence in Law” (FLT) |
| 1/28    | Gender at Work                 | Jennifer Pierce, *Gender Trials*  
Response essay: Write about discourses of gender in one of your workplaces. |
| 2/4     | The Equality Debate            | All from FLT:  
Williams, “Equality’s Riddle”  
Krieger/ Cooney, “The Miller/ Wohl Controversy”  
Littleton, “Reconstructing Sexual Equality”  
Any 2 other essays from sections 2 and 3 |
Foucault, “On Governmentality,” selections from *Discipline and Punish* and *Power/Knowledge*  
Mackinnon, Feminism, Marxism, Method and the State: Toward Feminist Jurisprudence (FLT) |
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<td>2/18</td>
<td>Marriage and the (non?)- State</td>
<td><strong>Readings</strong>&lt;br&gt;Response essay: You might think about the role of customary law (What custom? Whose custom?) or plural systems of law, and the role State or local authority plays.&lt;br&gt;<strong>Anne Griffiths, In the Shadow of Marriage</strong>&lt;br&gt;Film: <strong>Sisters-in-law</strong></td>
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<td>3/18</td>
<td>Spring Break: Why not read some mystery/ legal fiction with an interestingly gendered lawyer/ detective? 😊</td>
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| 4/15       | 4/15: Rape & Representation | Watch a film in which rape is a central theme (not just a peripheral event): e.g. The Accused, Phulan devi, Monster.  
| 4/29       | 4/29: Presentations        |                                                                                                                                               |
