

University of Cincinnati College of Law
Fall Semester 08 – 09
August 2008
Feminist Jurisprudence (Three Credits)
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Feminist Jurisprudence

Aims and Objectives

The course aims to enable students to explore different ways in which the law constructs and responds to sexual difference. The intention is to develop a sense of gender as an area of debate rather than a fixed perspective, and a sense of law as a complex and dynamic process. The course will include a discussion of issues of race and culture as they intersect with gender and these questions will also be considered in the context of other cultural settings, such as Islam. In addition, the broad question of representations of woman or the feminine will also be investigated. The course will address theoretical and philosophical issues, as well as specific areas such as women and work, and women and the family. There is also an international comparative element to the course as we will look at the position of women in the British context. The course will utilize sources from law and many other disciplines and is thus, highly interdisciplinary.

The primary aim of this course is to investigate ways in which feminist theories and methods contribute to an understanding of law. At the end of the course, students will be able to:

- Identify various feminist approaches and evaluate their contribution to an understanding of laws and legal methods;
- Demonstrate their knowledge of specific areas of law and assess their implications for women;
- Reflect on their own experiences and perceptions of feminist theories and practices so that they begin to develop their own creativity in regard to feminisms and law;

Teaching and learning

The course emerges from the understanding that feminism is not a given body of knowledge to be passed from tutor to student. Study begins from the knowledge, experience and skills brought by all students and tutors, and builds from the foundation of this learning.

Each weekly session will consist of a discussion based upon the materials distributed in the previous session. Materials will be taken from a broad range of disciplines as well as traditional legal sources. In order to facilitate discussion in seminars, it is imperative that students engage fully with the basic material provided, as well as supplementing this with sources indicated on further reading lists.

The seminars will incorporate class discussion, paper presentations, and group work. The seminars depend wholly on reading the materials referenced. Participation in the seminars is compulsory, as is the preparation of written responses to the questions given each week.

The recommended textbook is *Introduction to Feminist Legal Theory* Martha Chamallas New York : Aspen Publishers, 2003. This will be supplemented in some weeks by other materials, distributed in class.

The further reading lists are included each week with the seminar questions. You are expected to spend considerable time in conducting your own research. Much of the basic reading is legal and/or theoretical. However, feminist studies embraces fiction, poetry film and television etc as well as textbooks, and therefore, you should feel free to bring any of these materials into seminar discussions and into your assessment paper.

Course Assessment

A list of essay titles will be provided at the beginning of the course and you will choose one and be required to write a paper of 25 – 30 pages (double spaced) in response to that title. If you would like to draft a title of your own choice, you need to submit the title and have this approved by me by the 23rd September.

Indicative reading

Other introductory and general texts you may wish to look at include the following:

Cases and materials on feminist jurisprudence : taking women seriously by Mary Becker, Cynthia Grant Bowman, Morrison Torrey St. Paul, Minn. : West Pub. Co., 1994

Feminist legal theory : a primer Nancy Levit and Robert R.M. Verchick; foreword by Martha Minow New York : New York University Press, 2006

Legal feminism : activism, lawyering, and legal theory Ann Scales New York : New York University Press, 2006

Katharine T Bartlett, Angela P. Harris, Deborah L. Rhode *Gender and Law: Theory, Doctrine, Commentary* (4th ed., Aspen Pub 2006).

Gender and justice edited by Ngaire Naffine Aldershot, Hants, England ; Burlington, VT : Ashgate/Dartmouth, 2002

Women in American law : the struggle toward equality from the New Deal to the present Judith A. Baer New York : Holmes & Meier, 2002

Introduction to feminist jurisprudence Hilaire Barnett London : Cavendish Pub., 1998

Sourcebook on feminist jurisprudence Hilaire Barnett London : Cavendish, 1997

Feminist legal theory edited by Frances E. Olsen New York, NY : New York University Press, 1995

Feminist jurisprudence edited by Patricia Smith New York : Oxford University Press, 1993

Women and the law / by Mary Joe Frug Westbury, N.Y. : Foundation Press, 1992

Postmodern legal feminism Mary Joe Frug New York : Routledge, 1992

Timetable

Date

26 August	What is feminist jurisprudence? Introduction/Difference/Plurality
2 September	Liberal feminism and law/formal equality
9 September	Radical/cultural/postmodern feminism/substantive equality
16 September	Critical race feminism/intersectionality
23 September	Law, gender and sexuality
30 September	Religion and feminism: Islamic feminism I
7 October	Islamic feminism II
14 October	FALL BREAK
21 October	NO CLASS
28 October	Law, feminism, and family relations I
4 November	Law, feminism, and family relations II
11 November	Women and work I
18 November	Women and work II
25 November	Women and the Law: The British Context
2 December	Assessment Discussion

I am available to see students on Tuesdays 10 am – 12 pm. If this time is inconvenient, please either phone or e-mail me to make a specific appointment. Please note that I am able to respond much more quickly to e-mail requests than phone messages.