

**UNIVERSITY OF WATERLOO**  
**DEPARTMENT OF SOCIOLOGY AND LEGAL STUDIES**  
**SOC 782**  
**FEMINISM, LAW, AND GOVERNANCE**  
**FALL 2022**

**Instructor:** Dr. Rashmee Singh

**Class Time:** Wednesdays, 11:30-2:20

**Location:** AL 209

**E-mail:** rashmee.singh@uwaterloo.ca

**Virtual Office Hours:** by appointment

**COURSE DESCRIPTION:**

This seminar critically examines the impact of feminist reforms on law, policy, and governance in a variety of national and international contexts. The overall objective of the course is to encourage reflection on the forms and types of feminist practice that ultimately become institutionalized. In so doing, we will trace the development of feminist thought, noting the ways in which various strands of feminism resist, reflect, and maintain dominant regimes of surveillance, migration control, colonial and neo-colonial practices, neoliberal economic policies, and “law and order” crime control strategies.

While the course material questions the success of feminist legal reforms, the readings will continue to explore the possibility of transformative feminist strategies, as well as conceptions of justice beyond rights and law.

The course will orient students to a variety of theoretical perspectives, including: liberal, radical, post-colonial, and transnational feminisms; governmentality and Foucauldian critiques of liberalism; and post-structuralism. Along with developing an understanding of an array of issues impacted by feminist legal reform, students will develop general theoretical insights on law, governance, and knowledge production that can be used to develop their own research interests and projects.

**TRIGGER WARNING:**

Given the focus of the course, some of the readings contain discussions of sexual and other forms of gender-based violence.

**COURSE OBJECTIVES:**

After taking this course, students will be able to:

- Understand the key theoretical debates in feminism in relation to law, regulation, and governance
- Distinguish between different strands of feminist legal thought
- Derive a sense of how feminist discourses and reforms have impacted dominant governing regimes
- Identify the continuities between historical and contemporary interventions developed to “empower” women
- Consider and apply the theoretical insights learned in the course to their own work and research

**COURSE READINGS:**

All of the required readings can be retrieved via the University of Waterloo’s website and on the LEARN site for the course.

**COURSE EVALUATION:**

Class Participation: 10%

Two Seminar Presentations: 20% (10% each)

Two Reading Journals: 40% (20% each)

Research Paper: 30%

**CLASS PARTICIPATION**

In each meeting, you are strongly encouraged to engage in class discussion by posing informed questions and sharing insights from the readings and seminar presentation.

**SEMINAR PRESENTATIONS**

You will be required to lead two seminar discussions and critically assess the assigned readings. For your presentations, please refrain from devoting your entire presentation to summarizing the assigned reading. While some summary is required, you should instead aim to provide a succinct discussion of the key arguments and findings and then focus on highlighting central themes and debates, as well as raising questions for discussion. Feel free to also include creative class exercises that can be done collectively or in breakout sessions. Overall, the objectives of the presentations are to: (a) introduce the class to the major issues and theme(s) in the readings; (b) provide a synthesis and assessment of the readings; (c) connect the readings to the broader debates discussed in the course; (d) raise critical points and questions for class discussion; and (e) respond to questions and comments from class participants.

**Please do not read your presentations. Doing so will result in a deduction of marks.**

**READING JOURNALS**

You will be expected to keep a weekly reading journal in which you respond to and critically evaluate the readings assigned in the class. The purpose of the reading journal is twofold: 1) to facilitate and contribute to class discussions; and to 2) track the development of your thinking on the subject matter. As with the presentations, the purpose here is NOT to just summarize the readings. Instead, the aim of this assignment is to encourage you to examine the readings from the standpoint of a researcher. For guidance, consider the following questions: **What ideas presented in this reading could be of help in developing my own research interests? How do these ideas challenge the way I think about a particular issue? How do these ideas compliment or contrast with the ideas of other scholars interested in similar issues?**

You are not required to provide an in-depth discussion of each reading for your journal entries. While you have creative leeway with regards to how you would like to format your responses, **my recommended format would be to start your entry with one paragraph that summarizes and synthesizes the main arguments of each reading and to then focus the remainder of your entry on one or two specific issues that you would like to explore in depth.** You will be required to submit your reading journals periodically through the semester for evaluation. Grades will be based on: the quality of the written work; the ability to critically assess and synthesize aspects of the assigned material, and the ability to demonstrate knowledge and understanding of the readings. **Please limit each entry to three double spaced pages with standard margins. Your font should be no less than 12 point in Times New Roman or 11 point in Calibri. Excessively lengthy journals that surpass these guidelines will be either returned to you for editing or result in a deduction of marks.**

**RESEARCH PAPER**

The final assignment for the course is a research paper. **You will be required to write a succinct paper, between 15-20 (max) pages, double-spaced (excluding references), standard margins and font (12**

point Times New Roman or 11 point Calibri) on a topic related to the subject matter of the course. Your papers must demonstrate an understanding of the key theoretical debates and frameworks presented in the course. It is strongly encouraged that you consult with me about your paper topics and ideas at least 3 weeks before the paper is due. Late papers will be deducted two percentage points per day (exceptions will be made in those cases of special circumstances).

#### **COVID-19 ABSENCES & CONTINGENCY PLAN**

Please refrain from attending class in-person if you are experiencing COVID-19 symptoms, test positive for the virus, or you are required to self-isolate. Please consult campus wellness for assistance and further information if you test positive: <https://uwaterloo.ca/campus-wellness/covid-19-testing-assessment-centre/covid-19-support-and-advice>

In the event that in-person course activity is suspended due to the pandemic, we will transition to virtual learning via WebEx.

#### **CLASS SCHEDULE**

##### **PART 1: INTRODUCTION: FEMINIST THEORIES & LEGAL STRATEGIES**

##### **WEEK 1: SEPTEMBER 7, 2022**

###### **Introduction to the course**

- Course design, overview, and expectations
- Theoretical frameworks
- Assignments
- Discussion of PhD and MA projects (subject matter/research questions, theoretical perspective, proposed methodology)

##### **WEEK 2: SEPTEMBER 14, 2022**

###### **Feminist Legal Theory: The Early Years**

###### **Required Readings:**

Smart, Carol (1989). "Introduction," "Chapter 1: The Power of Law," and "Chapter 4: The Quest for a Feminist Jurisprudence" in *Feminism and the Power of Law*, Routledge: New York, 1-25 & 66-89.

MacKinnon, Catherine (1983). "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence." *Signs*, 8(4): 635-658.

##### **WEEK 3: SEPTEMBER 21, 2022**

###### **Feminist Discourse, Knowledge Production, and the "Third World Woman"**

###### **Required Reading:**

Mohanty, Chandra (1988). "Under Western Eyes: Feminist Scholarship and Colonial Discourses." *Feminist Review*, No. 30, 61-88.

Burton, Antoinette (1994). "Woman in the Nation: Feminism, Race, and Empire in the 'National' Culture," in *Burdens of History: British Feminists, Indian Women, and Imperial Culture, 1865-1915*. The University of North Carolina Press, 33-62.

Chaterjee, Partha (1993). "The Nation and Its Women" in *The Nation and Its Fragments: Colonial and Postcolonial Histories*. Princeton: Princeton University Press, 116-134.

**WEEK 4: SEPTEMBER 28, 2022**

**Transnational and Postcolonial Feminist Thought**

**Required Readings:**

Kapur, Ratna (2006). "Human rights in the 21<sup>st</sup> Century: Take a Walk on the Dark Side." *Sydney Law Review*, Vol. 28, 664-687.

Razack, Sherene (1998). "Policing the Borders of Nation: The Imperial Gaze in Gender Persecution Cases." *Looking White People in the Eye: Gender, Race and Culture in Courtrooms and Classrooms*. Toronto: University of Toronto Press, pp. 88-129.

Olwan, Dana W (2013). "Gendered Violence, Cultural Otherness, and Honour Crimes in Canadian National Logics." *Canadian Journal of Sociology*, 38(4), 533-555.

**WEEK 5: OCTOBER 5, 2022**

**Intersectionality & Critical Race Theory**

**Required Readings:**

Crenshaw, Kimberle (1991). "Mapping the Margins: Intersectionality, Identity Politics and Violence against Women of Color." *Stanford Law Review*, pp. 1241-1299.

Deer, Sarah (2004). "Towards an Indigenous Jurisprudence of Rape." *Kansas Journal of Law and Public Policy*, 14, 121-154

**WEEK 6: OCTOBER 12, 2022 - READING WEEK- NO CLASS**

**PART 2: Co-OPTING FEMINISM?**

**WEEK 7: OCTOBER 19, 2022**

**Co-opting Feminism?**

**Required Readings:**

Heiner, Brady T and Tyson, Sarah, K (2017). "Feminism and the Carceral State: Gender-Responsive Justice, Community Accountability, and the Epistemology of Antiviolence." *Feminist Philosophy Quarterly* 3,(1), Article 3 <http://ir.lib.uwo.ca/fpq/vol3/iss1/3>.

Bumiller, Kirsten (2008). "Chapter 1: The Sexual Violence Agenda: Feminists and the State" in *In an Abusive State: How Neoliberalism Appropriated the Feminist Movement Against Sexual Violence*. Duke University Press: Durham, pp. 1-15.

**\* JOURNAL 1 IS DUE (READINGS FOR WEEKS 2-5)**

**WEEK 8: OCTOBER 26, 2022****“Women’s Empowerment” in a Post-911 World****Required Reading**

Grewal, Inderpal (2006). “‘Security Moms’ in the Early Twentieth Century United States: The Gender of Security in Neoliberalism.” *Women’s Studies Quarterly*, Vol. 34, No. ½, pp. 25-39.

Fluri, Jennifer L. (2008). “‘Rallying Public Opinion’ and Other Misuses of Feminism,” in R.L. Riley, C. Mohanty and M.B. Pratt (eds) *Feminism and War: Confronting U.S. Imperialism*. New York: Zed Books, pp. 143-157.

Khan, Shahnaz (2008). “Afghan Women: The Limits of Colonial Rescue” in R.L. Riley, C. Mohanty and M.B. Pratt (eds) *Feminism and War: Confronting U.S. Imperialism*. New York: Zed Books, pp. 161-178.

Thobani, S. (2010). White innocence, Western supremacy: The role of Western feminism in the “War on Terror.” In S. Razack, M. Smith, & S. Thobani (Eds.), *States of race: Critical race feminism for the 21st century* (pp. 127–146). Toronto, Canada: Between the Lines.

**WEEK 9: NOVEMBER 2, 2022****Prosecuting Rape as a War Crime****Required Reading**

Buss, Doris E (2007). “The Curious Visibility of Wartime Rape: Gender and Ethnicity in International Criminal Law.” *Windsor Yearbook of Access to Justice*, Vol. 25, No. 1, 455-473.

Van Rijswik, Honni (2012). “Towards a Feminist Aesthetic of Justice: Sarah Kane’s Blasted as Theorisation of the Representations of Sexual Violence in International Law.” *Australian Feminist Law Journal*, 36, 107-124.

**\*Trigger Warning: this article contains graphic discussions of sexual violence.**

Dembour, M. and Haslam, Emily (2004). “Silencing Hearings? Victim-Witnesses at War Crimes Trials” *European Journal of International Law*, 15(1), 151-177.

**WEEK 10: NOVEMBER 9, 2022****The Criminal Justice–Social Service Alliance****Required Readings:**

Musto, Jennifer (2016). “Introduction” and “Chapter 1: Collaboration Meets Carceral Protection” in *Control and Protect: Collaboration, Carceral Protection, and Domestic Sex Trafficking in the United States*, University of California Press, Oakland, pp. 1-47.

Mulla, Sameena (2014). “Introduction” and “Chapter 8: Patient and Victim Compliance: Drugs, Aids, and Local Geographies of Care” in *The Violence of Care: Rape Victims, Forensic Nurses, and Sexual Assault Intervention*. New York University Press: New York, pp. 1-36 and pp. 195-216.

**\*Trigger Warning: this article contains discussions of sexual violence.**

**WEEK 11: NOVEMBER 16, 2022**

**The Governance of Sex Trafficking**

**Required Readings:**

Chapkis, Wendy (2005). "Soft Glove, Punishing Fist: The Trafficking Victims Protection Act of 2000" in eds., Elizabeth Bernstein and Laurie Schaffner, *Regulating Sex: The Politics of Intimacy and Identity*. Routledge: New York, 51-65.

Bernstein, Elizabeth (2010). "Militarized Humanitarianism Meets Carceral Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Anti-trafficking Campaigns." *Signs*, Vol. 36, No. 1, 45-71.

Kempadoo, Kamala (2015). "The Modern-Day White (Wo)Man's Burden: Trends in Anti-Trafficking and Anti-Slavery Campaigns." *Journal of Human Trafficking*, 1:8-20.

Phillips, Jasmine (2015). "Black Girls and the (Im)Possibilities of a Victim Trope: The Intersectional Failures of Legal and Advocacy Interventions in the Commercial Sexual Exploitation of Minors in the United States." *UCLA Law Review*, 1642-1675.

**WEEK 12: NOVEMBER 23, 2022**

**"Gender Responsive" Punishment**

**Required Readings**

Hannah-Moffat, Kelly (2000). "Prisons that Empower." *The British Journal of Criminology*, 40(3), 510-531.

McKim, Allison (2009). "Roxanne's Dress: Governing Gender and Marginality through Addiction Treatment." *Signs*, 39(2), 433-458.

**WEEK 13: NOVEMBER 30, 2022**

**Moving Beyond Law and Essentialist Feminisms**

Goodmark, Leigh (2009). "Autonomy Feminism: An Anti-Essentialist Critique of Mandatory Interventions in Domestic Violence Cases, *Florida State University Law Review*, 37 (10), 1-48.

Coker, Donna K. (2016). "Crime Logic, Campus Sexual Assault, and Restorative Justice." *Texas Tech Law Review*, Vol. 49, 147-210.

**\* JOURNAL 2 (READINGS FOR THE WEEKS OF 7-13) IS DUE ON DECEMBER 7, 2022**

**\*FINAL PAPER IS DUE ON DECEMBER 21, 2022**