

**Law 518**

**FEMINIST LEGAL STUDIES  
Key Themes and Current Debates**

**Fall 2006-07**

Mondays, 1:30 – 4:30 p.m.  
Room 180  
Curtis Law Building

**Instructor:** **Professor Susan B. Boyd** (Chair in Feminist Legal Studies)  
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**OBJECTIVES and COURSE DESCRIPTION**

The objectives of this graduate level seminar are to develop (1) an ability to recognize and work with concepts that are key to current feminist debates and research in the field of law (2) a familiarity with the main strands of literature in the field, and (3) an ability to assess the conceptual and methodological underpinnings of various types of feminist work on law. The seminar aims to expose students to diverse approaches and strategies, as well as diverse subject areas.

In 2006-07 the seminar addresses reaction and resistance to feminism, law and social change; the role of the state in social change; and women's oppression under neo-liberalism.

**COURSE STRUCTURE and GRADING STRUCTURE**

Key readings for the first several weeks will be assigned but students will also take responsibility for identifying relevant readings and leading sessions. The structure of the seminar will be an introduction of the week's themes by the instructor, guest speaker, or students, followed by discussions based on the readings (**participation marks 15%**). In order for the seminar discussion to work, each participant in the seminar is required to read the assigned materials each week. If you are unable to do so due to extenuating circumstances, please let the instructor know in advance and provide a written summary of the readings at the next class. Students are expected to demonstrate their use of resources for feminist research on law, and their appreciation of the themes of the seminar, by producing a **proposal and annotated bibliography (25%)** and an indepth **research paper (60%)** (30 double-spaced pages). This paper can be related to the topic of the student's thesis and the seminar will be adapted to meet the topic needs of students wherever possible.

## READINGS AND BOOKS

Many articles are available through UBC Library's e-journal links:

<http://toby.library.ubc.ca/ejournals/subjecttitles-alpha.cfm?stype=F&sid=14&redi=1>

Other readings will be emailed to you or placed on 2-hour reserve in the Law Library. Most are also available in the original journal or book in the library.

Some journals and books are also available for consultation at the **Centre for Feminist Legal Studies**, which has a resource library (Annex I; email [cfls@law.ubc.ca](mailto:cfls@law.ubc.ca) to check opening hours). An **OPEN HOUSE** will be held 12:30 – 2 p.m. on September 21<sup>st</sup> and you are welcome to attend to check out the resources. Also check the website: <http://faculty.law.ubc.ca/cfls>

Some books that are relevant to the question of resistance to feminism include:

Sylvia Bashevkin, *Welfare Hot Buttons: Women, Work, and Social Policy Reform* (Toronto: University of Toronto Press, 2002).

Sheila McIntyre and Sanda Rodgers, *Diminishing Returns: Inequality and the Canadian Charter of Rights and Freedoms* (Butterworths LexisNexis Canada, 2006).

Rachel Roth, *Making Women Pay: the Hidden Costs of Fetal Rights* (Ithaca: Cornell University Press, 2000).

**ACADEMIC OFFENCES:** <http://students.ubc.ca/calendar/index.cfm?tree=3,54,111,0>

Methods of evaluation depend, for their success and fairness, on the ethical standards of both students and instructors. Be scrupulous in avoiding the presentation of the work of others as your own. Note that it is a serious academic offence to submit "the same essay, presentation, or assignment more than once whether the earlier submission was at this or another institution, unless prior approval has been obtained." **I take this rule very seriously.** Academically recognized practices of citation and attribution must be followed. Never quote or use an idea from another author without citing that person's work. Familiarize yourself with the UBC 2006-07 Calendar rules and penalties for plagiarism and other offences. Students must submit research papers both electronically and in hard copy.

## SEMINAR TOPICS and TENTATIVE DATES

**Sep 11            Introductions, Issues, Plans, Readings, Assignments**

**Sep 18            Plus ca change? Progress and Feminist Legal Struggles**

Read three of the articles in:

*The Fragility of Feminist Progress in Law* -- (2000) 12: 1 Canadian Journal of Women and the Law

(three of the articles by Sunera Thobani on Immigrant Women, Judy Fudge on Pay Equity, Barbara Arneil on The Politics of the Breast, Jenny Morgan on Foetal Imaginings, Kimberley White-Mair on Battered Woman Syndrome, Beverley Baines on Male only Clubs)

**Available through UBC e-journals (Hein-on-line and Academic Search Premier)**

Sharon Donna McIvor, "Aboriginal Women Unmasked: Using Equality Litigation to Advance Women's Rights" (2004) 16(1) CJWL 106.

**Available through UBC e-journals (Hein-on-line and Academic Search Premier)**

Rosanna Langer, "Five Years of Canadian Feminist Advocacy: Is it Still Possible to Make a Difference?" (2005) 23 Windsor Yearbook of Access to Justice 115-143.

**Available through UBC e-journals (Hein-on-line and Lexis Academic)**

**Sep 25            Explaining Resistance to Feminist Struggles**

Ann Oakley and Juliet Mitchell, eds., *Who's Afraid of Feminism? Seeing Through the Backlash* (New York: The New Press, 1997), "Preface" by Temma Kaplan and "Introduction" by Oakley and Mitchell, pp. xiii-xxxvii (on reserve)

Dorothy E. Chunn, Susan B. Boyd, and Hester Lessard, "Feminism, Law, and Social Change: An Overview", in Chunn, Boyd and Lessard, eds. *Reaction and Resistance: Feminism, Law, and Social Change* (UBC Press, forthcoming) (will be emailed to you).

Janice Newson, "'Backlash' Against Feminism: A Disempowering Metaphor" (1991) 20(3/4) Resources for Feminist Research 93-97 (handout)

Sylvia Walby, "'Backlash' in Historical Context" in M. Kennedy, C. Lubelska & V Walsh, eds., *Making Connections: Women's Studies, Women's Movements, Women's Lives* (London & Washington: Taylor & Francis, 1993), 79-89.

**Oct 2            Representations of Feminism and its Counter-Movements: Ideology & Discourse            DAVID MOUNT**

Dorothy E. Chunn, "'Take It Easy Girls': Feminism, Equality and Social Change in the Media" in Chunn, Boyd and Lessard, eds. *Reaction and Resistance: Feminism, Law, and Social Change* (UBC Press, forthcoming) (will be emailed to you).

Robert Menzies, "Virtual Backlash: Representations of Men's 'Rights' and Feminist 'Wrongs' in Cyberspace", in Chunn, Boyd and Lessard, eds. *Reaction and Resistance: Feminism, Law, and Social Change* (UBC Press, forthcoming) (will be emailed to you).

Boyd, Susan B., "Backlash against Feminism: Canadian Custody and Access Reform Debates of the Late Twentieth Century" (2004) 16(2) *CJWL* 255.

**Available through UBC e-journals (Hein-on-line and Academic Search Premier)**

Eileen Fegan, "'Ideology' After 'Discourse': A Reconceptualization for Feminist Analysis of Law" (1996) 23(2) *Journal of Law and Society* 173-197

**Available through UBC e-journals (JSTOR)**

see also Miranda Kaye and Julia Tolmie, "Discoursing Dads: The Rhetorical Devices of Fathers' Rights Groups" (1998) 22 *Melbourne U. L. Rev.* 162-194.

**Available through UBC e-journals (Hein-on-line and LexisNexis Academic)**

**Oct 9            Holiday (Thanksgiving)**

**Oct 16           Familial Terrains**

**BIANCA SCHEIRER**

Susan B. Boyd and Claire F.L. Young, "Feminism, Fathers' Rights, and Family Catastrophes: Parliamentary Discourses on Post-Separation Parenting, 1966-2003", in Chunn, Boyd and Lessard, eds. *Reaction and Resistance: Feminism, Law, and Social Change* (UBC Press, forthcoming) (will be emailed to you).

Claire F.L. Young and Susan B. Boyd, "Challenging Heteronormativity? Reaction and Resistance to the Legal Recognition of Same Sex Partnerships", in Chunn, Boyd and Lessard, eds. *Reaction and Resistance: Feminism, Law, and Social Change* (UBC Press, forthcoming) (will be emailed to you).

Hester Lessard, "Mothers, Fathers, and Naming: Reflections on the *Law Equality* Framework and *Trociuk v. British Columbia (Attorney General)*" (2004) 16(1) *Can. J. Women & the Law* 165-211

**Available through UBC e-journals (Hein-on-line and Academic Search Premier)**

Didi Herman, "'Then I Saw a New Heaven and a New Earth': Thoughts on the Christian Right and the Problem of 'Backlash'", in Leslie G. Roman and Linda Eyre, eds., *Dangerous Territories: Struggles for Difference and Equality in Education* (London & New York: Routledge, 1997), 63 (on reserve).

Helen Rhoades, "The 'No Contact Mother': Reconstructions of Motherhood in the Era of the 'New Father'" (2002) 16 *Int. J. L. Policy and the Family* 71-94

**Available through UBC e-journals (Hein-on-line and Oxford Journals Online)**

**Oct 23                    Backlash Discourses and Racialized Communities    SHAISTA PATEL**

Sunera Thobani, "Imperial Longings, Feminist Responses: Print Media and the Imagining of Canadian Nationhood After 9/11", in Chunn, Boyd and Lessard, eds. *Reaction and Resistance: Feminism, Law, and Social Change* (UBC Press, forthcoming) (will be emailed to you).

Natasha Bakht, "Were Muslim Barbarians Really Knocking On the Gates of Ontario?: The Religious Arbitration Controversy—Another Perspective" (2006) *Ottawa Law Review*, forthcoming (will be emailed to you).

Sherene H. Razack, "Imperilled Muslim Women, Dangerous Muslim Men and Civilised Europeans: Legal and Social Responses to Forced Marriages" (2004) *12 Feminist Legal Studies* 129-174.

**Available through UBC e-journals (Academic Search Premier).**

**Available in print at the UBC Law Library, call no: KN 152.2 F455**

**Oct 30                    Sexual(ized) Terrains and Citizenship                    JEEWON MIN**

Lise Gotell, "The Discursive Disappearance of Sexualized Violence: Feminist Law Reform, Judicial Resistance and Neo-liberal Sexual Citizenship", in Chunn, Boyd and Lessard, eds. *Reaction and Resistance: Feminism, Law, and Social Change* (UBC Press, forthcoming) (will be emailed to you).

Audrey Macklin, "Dancing Across Borders: 'Exotic Dancers,' Trafficking, and Canadian Immigration Policy" (2003) *37 International Migration Review* 464.

**Available through UBC e-journals (Blackwell-Synergy)**

Hester Lessard, "Backlash in the Academy: The Evolution of Campus Sexual Harassment Regimes", in Chunn, Boyd and Lessard, eds. *Reaction and Resistance: Feminism, Law, and Social Change* (UBC Press, forthcoming) (will be emailed to you).

Dorothy E. Smith, "Textual Repressions: Hazards for Feminists in the Academy" (1997) *9(2) Canadian Journal of Women and the Law* 269-300

**Available through UBC e-journals (Hein-on-line and Academic Search Premier)**

**Nov 6                    Poverty                    ROZ CURRIE**

Wanda Wieggers, "Child-Centred Advocacy and the Invisibility of Women in Poverty Discourse and Social Policy", in Chunn, Boyd and Lessard, eds. *Reaction and Resistance: Feminism, Law, and Social Change* (UBC Press, forthcoming) (will be emailed to you).

Martha T. McCluskey, "Efficiency and Social Citizenship: Challenging the Neoliberal Attack on the Welfare State" (2003) 78(2) *Indiana L.J.* 783-876

**(Available through UBC e-journals (Hein-on-line & LexisNexis Academic))**

Janet Mosher, "Welfare Reform and the Re-Making of the Model Citizen", in Margot Young, Susan Boyd, Gwen Brodsky & Shelagh Day, eds., *Poverty: Rights, Social Citizenship, and Legal Activism* (UBC Press, forthcoming (will be emailed to you))

See also: Sylvia Bashevkin, *Welfare Hot Buttons: Women, Work, and Social Policy Reform* (Toronto: University of Toronto Press, 2002).

See also: Joanne Conaghan, "Women, Work, and Family: A British Revolution?" in J Conaghan, R M Fischl, and K Klare, eds., *Labour Law in an Era of Globalization* (Oxford University Press, 2004), 53-73

**Nov 13            Holiday (Remembrance Day)**

**Nov 20            "Domestic" Violence                            KATE DUFFY**

Walter S. DeKeseredy, "Tactics of the Antifeminist Backlash against Canadian National Woman Abuse Surveys" (1999) 5(11) *Violence against Women* 1258.

**Available through UBC e-journals (Sage Criminology & Sage Publications)**

Linda Neilson, "Assessing Mutual Partner-Abuse Claims in Child Custody and Access Cases" (2004) 42(3) *Family Court Review* 411-38

**Available through UBC e-journals (Blackwell-Synergy & LexisNexis Academic)**

Maria Eriksson and Marianne Hester, "Violent Men as Good-Enough Fathers? A look at England and Sweden" (2001) 7(7) *Violence Against Women* 779-798.

**Available through UBC e-journals (Sage Criminology & Sage Publications)**

Barbara Hamilton and Elizabeth Sheehy, "Thrice Punished: Battered Women, Criminal Law, and Disinheritance" (2004) 8 *Southern Cross University Law Review* 96-130

**Nov 27            Discussion of Research Papers and Wrap Up!**