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## **GENDER, LAW, AND IDENTITY in Spring 2021 (GS3022)**

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| <b>Course Code</b>    | GS3022                                                                                                       | <b>Professor(s)</b>     | Lissa Lincoln                                 |
| <b>Prerequisites</b>  | None                                                                                                         | <b>Office Number</b>    | G-4th floor                                   |
| <b>Class Schedule</b> | F: 12:10-13:30 in PL-3<br>F: 12:10-13:30 in RMOTE-00<br>T: 16:55-18:15 in PL-3<br>T: 16:55-18:15 in RMOTE-00 | <b>Office Hours</b>     | Contact via email or TEAMS only this semester |
| <b>Credits</b>        | 4                                                                                                            | <b>Email</b>            | llincoln@aup.edu                              |
| <b>Semester</b>       | Spring 2021                                                                                                  | <b>Office Tel. Ext.</b> | 717                                           |

## **Course Description**

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### **COURSE DESCRIPTION:**

#### **GENDER, LAW, IDENTITY**

What does it mean to live in a “normative universe”? Where is it located in our everyday lives, beyond the maintenance of categories of “right” and “wrong”, “legal” and “illegal”, “normal” or “abnormal”? What impact does it have on our understandings of identity as they are expressed through gender, sexuality and culture? Due to the force and visibility of the formal institution of law and the conventions of the social world, we often identify norms with questions of explicit social control. Yet, these legal and social trappings are only a small part of the normative universe, because of the central role of narrative in both legal and social discourse. Indeed, in the words of legal scholar Robert Cover “no set of legal institutions or [social] prescriptions exists apart from the narratives that locate and give them meaning”. In this class we will investigate the various ways in which gendered norms of identity are defined, constructed, enforced, managed and even adjudicated through the narratives that inform and produce our social and legal realities. Class reading will include works by Sarah Ahmed, Jacqui Alexander, Drucilla Cornell, Kimberlé Crenshaw, Nancy Fraser, Michel Foucault, Nivedita Menon, and Denise da Silva, among others

## **Course Learning Outcomes**

Students will be able to read and critique literature on sex and gender in the social sciences and the humanities

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Students will be able to identify, compare, critique and analyze the historical, social and cultural specificity of different conceptions of gender and sexuality

Students will be able to apply their knowledge of gender and society to a globally informed understanding and evaluation of the pressures, politics and debates of representations of gender and sexuality, particularly those bearing upon legal rights and social justice

Students will be able to demonstrate familiarity with the developmental, social, theoretical and historical frameworks that define the academic study of gender and sexuality

Local and Global Perspectives: Students will enhance their intercultural understanding of languages, cultures, and histories of local societies and the global issues to which these relate (CCI LO1)

Exploring and Engaging Difference: Students will think critically about cultural and social difference; they will identify and understand power structures that determine hierarchies and inequalities that can relate to race, ethnicity, gender, nationhood, religion, or class (CCI LO3)

Civic and Ethical Engagement: Students will demonstrate awareness of ethical considerations relating to specific societal problems, values, or practices (historical or contemporary; global or local) and learn to articulate possible solutions to prominent challenges facing societies and institutions today so as to become engaged actors at various levels in our interconnected world (CCI LO4)

## General Education

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### GSS PROGRAMME LEARNING OUTCOMES:

1. To gain an understanding of the history of gender and sexuality studies
2. To become familiar with the major figures / schools and debates of contemporary feminist and gender theory
3. To gain an understanding of the relationship between the questions of feminism, gender studies, sexualities and masculinities.

### GLACC:

This course can be used to fulfill the CCI requirement and as such has the following learning outcomes (Learning Outcomes for GLACC components are defined on the [AUP GLACC Website](#))

## Course Outline

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## **COURSE SCHEDULE:**

**NB. This schedule is subject to change. Additional readings may be assigned/ substituted spontaneously during class sessions. Students are responsible for all material, assignments and information given in class regardless of attendance.**

### **January**

#### **Week I – 18th – 22nd**

##### **TOPIC**

Introduction to course/ Law vs. Legal Theory

##### **READING**

“An overview of the relationship between Law and Morality” (ch.2 McLeod)

#### **Week II – 25th – 29th**

##### **TOPIC**

Categories of Legal Argument

##### **READING**

Nietzsche “Long Live Physics” (Gay Science) + Genealogy of Morals(selected sections)

Foucault “Body of the Condemned” (Discipline and Punish)

**January 24th – last day to drop/add courses online**

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## February

### Week III – 1st – 5th

#### TOPIC

Normativity

#### READING

Foucault “Panopticism” (Discipline and Punish)

### Week IV – 8th – 12th

#### TOPIC

Surveillance

#### READING

Foucault *History of Sexuality* vol. I (selected sections)

February 8th – 10th, Mini break 1, (no classes)

### Week V – 15th – 19th

#### TOPIC

Feminist Critiques of Law -overview

#### READING

Jacqui Alexander “Not Just (Any) Body Can be a Citizen: The Politics of Law, Sexuality and

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Postcoloniality..."

**Week VI – 22nd – 26th**

**TOPIC**

Gender, Legislation and Social Justice

**READING**

Joan W Scott "Gender, Still a Useful Category of Analysis?"

Afsaneh Najmabadi "Beyond the Americas: Are Gender and Sexuality Useful Categories of Analysis"

**February 24th – 28th, Mini break 2, (no classes)**

**March**

**Week VII – 1st – 5th**

**TOPIC**

**CLASS PRESENTATION(S): MacKinnon vs West**

**READING**

Catherine MacKinnon "Feminism, Marxism, Method and the State: Towards Feminist Jurisprudenc

Robin West "Jurisprudence and Gender"

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**Week VIII – 8th –12th**

**TOPIC**

**MID-TERM REVIEW AND EXAM (MARCH 12th)**

**READING**

**Week IX – 15th – 19th**

**TOPIC**

Representation

**READING**

Linda Alcoff “The Problem of Speaking for Others”

bell hooks “Outlaw culture: resisting representation”

**March 17th, Mid-semester**

**March 19th, Mid-semester grades due**

**Week X – 22nd – 26th**

**TOPIC**

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**CLASS PRESENTATION(S):**

**READING**

TBD

**Week XI–29th – 2nd**

**TOPIC**

Law, Justice and Identity Politics

**READING**

Kimberlé Crenshaw “Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color”

Nancy Fraser “Feminist Politics in the Age of Recognition: A Two Dimensional Approach to Gender Justice”

Denise da Silva “White Feminist Fatigue Syndrome: A Reply to Nancy Fraser”

***April 2nd, last day to withdraw from a course.***

**Last day to choose the CR/NC grading option.**

**April**

**Week XII – 5th – 9th**

**TOPIC**

Law, Justice and Intersectionality

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## READING

Patricia Hill Collins Fighting Words: Black Women and the Search for Justice(selected sections)

Emily Grabham “Intersectionality, Traumatic Impressions”

**April 5th, Easter Monday (no classes)**

**April 6th, Faculty retreat (no classes)**

### **Week XIII – 12th – 16th**

## TOPIC

Governmentalizing Gender

## READING

Flavia Agnes, “Law, Ideology and Female Sexuality”

Nivedita Menon “ Sexuality, Caste, Governmentality : Contests over “Gender” in India

### **Week XIV – 19th – 23rd**

## TOPIC

Future Directions and Inspirations

## READING

Denise da Silva talk for Barnard Centre for Research on Women’s working group (Practicing Refusal:



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Thinking Beyond Resistance)

**Week XV – 26th – 30th**

**TOPIC**

**CLASS PRESENTATION(S):**

**READING**

**TB**

**May 7th 3:00 pm Final Exam**

**Further Reading/Bibliography**

Ahmed, S 2001, "The Organization of Hate" Law and Critique 12: 345-65

Agnes, Flavia 2001, Law and Gender Inequality: The Politics of Women's Rights in India, Oxford University Press

Baer, J. A. 1999. Our Lives before the Law: Constructing a Feminist Jurisprudence. Princeton, NJ: Princeton: University Press.

Belenky, M., Clinchy, B., Goldberger, N., and Tarule, J. 1986. Women's Ways of Knowing: The Development of Self, Voice, and Mind. New York: Basic Books.

Brown, W. 1990. "Consciousness razing". Nation, 250: 61–4.

----- 1995. States of Injury: Power and Freedom in Late Modernity Princeton University Press, Princeton, New Jersey.

Butler, J. 2000, Antigone's Claim, Columbia University Press

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Cain, P. A. 1991. "Feminist jurisprudence: grounding the theories" pp. 263–80 in *Feminist Legal Theory: Readings in Law and Gender*, ed. K. T. Bartlett and R. Kennedy. Boulder Colo.: Westview.

Chandra, Sudhir 1998 *Enslaved Daughters : Colonialism, Law and Women's Rights*, Oxford University Press

Conaghan, Joanne, *Law and Gender* (Clarendon Law Series), Oxford University Press, 2013.

Crenshaw, K. 1989 « Demarginalizing the Intersection of Race and Sex : A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics » *The University of Chicago Legal Forum* 139-67.

Cornell, D. 1991. *Beyond Accommodation: Ethical Feminism, Deconstruction, and the Law*. New York: Routledge, Chapman and Hall.

Da Silva, Denise Ferreira "White Feminist Fatigue Syndrome : a reply to Nancy Fraser" *Critical Legal Thinking 'law and the political'*, October 2013

----- *Law, Race and the Postcolonial*, Routledge, Cavendish, 2015

Downs, D. A. 1996. *More Than Victims: Battered Women, the Syndrome Society, and the Law*. Chicago: University of Chicago Press.

DuBois, E. C., Dunlap, M. C., Gilligan, C. J., MacKinnon, C. A., Marcus, I., Menkel-Meadow, C. J., and Spiegelman, P. J. 1985. "Feminist discourse, moral values, and the law: a conversation". *Buffalo Law Review*, 34: 11–87.

Duclos, Nitya 1993 "Disappearing Women: Racial Minority Women in Human Rights Cases" *Canadian Journal of Women and the Law* 6:25-51.

Fraser, Nancy 2001 "Feminist Politics in the Age of Recognition: A Two Dimensional Approach to Gender Justice" *Studies in Social Justice*, 1,(1), Winter 2007: 23-35

Foucault, Michel 1977 *Discipline and Punish, The Birth of the Prison*, Penguin

Ginsburg, R. B. 1978. "Sex equality and the Constitution". *Tulane Law Review*, 52: 451–3.

Goldstein, L. F. (ed.) 1992. *Feminist Jurisprudence: The Difference Debate*. Lanham, Md: Rowman and Littlefield.

Harding, S. 1990. *Whose Science? Whose Knowledge? Thinking from Women's Lives*. Ithaca, NY: Cornell University Press.

Harris, A., 1990. "Race and essentialism in feminist legal theory". *Stanford Law Review*, 42: 581–616.

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Harris, A., 1999. « Building Theory, Building Community » Social and Legal Studies 8 (3) : 313-25

Hutchinson, Darren Lenard (1997) "Out Yet Unseen" A Racial Critique of Gay and Lesbian Legal Theory and Political Discourse" Connecticut Law Review 29: 561-645.

Menon, N. 2004. Recovering Subversion: Feminist Politics Beyond the Law University of Illinois Press.

MacDonald, G., Osborne, R.L. and Smith, C. (eds) (2005) Feminsm, Law, Inclusion: Intersectionality in Action Toronto: Sumach Press

MacKinnon, C. A, 2005. Women's Lives, Men's Laws. Cambridge, Mass.: Harvard University Press.

MacKinnon, C. A, 2006. Are Women Human? Cambridge, Mass.: Harvard University Press.

McLeod, Ian, Legal Theory (Palgrave Macmillan Law Masters), Palgrave Macmillan, 2010.

Rhode, D. L. 1990. Feminist critical theories. Stanford Law Review, 42: 617–38.

Schulhofer, S. J. 1998. Unwanted Sex: The Culture of Intimidation and the Failure of Law. Cambridge, Mass.: Harvard University Press.

Valdes, F. 1995 « Sex and Race in Queer Legal Culture : Ruminations on Identities and Inter-Connectivities » Southern California Review of Law and Women's Studies 5: 25-71

West, R. 2011. Normative Jurisprudence: An Introduction, Cambridge University Press.

----- 1988. "Jurisprudence and Gender". University of Chicago Law Review, 55: 1–72.

Williams, J. 1992. "Deconstructing gender". Pp. 41–98 in Feminist Jurisprudence: The Difference Debate, ed. L. F. Goldstein. Lanham, Md. Rowman and Littlefield.

## Textbooks

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This course doesn't have any textbook.

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## Attendance Policy

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### AUP ATTENDANCE POLICY:

Students studying at The American University of Paris are expected to attend ALL scheduled classes, and should contact their professors to explain the situation. It is the student's responsibility to be aware of any attendance policy that a faculty member might have set in the course syllabus. The French Department, for example, has a specific attendance policy, and students are responsible for compliance. Academic Affairs will excuse an absence for participation in study trips related to their courses.

### Covid-19 temporary amendments:

- **PLEASE NOTE THIS CLASS WILL BE TAUGHT REMOTELY THIS SEMESTER**

**Students studying at The American University of Paris are still expected to attend ALL scheduled classes.**

Due to the Covid-19 pandemic, students will have the option of attending classes remotely when special circumstances arise. For example, when students are placed under quarantine by the French authorities or by their doctor, or if they show symptoms of Covid-19 and are directed, by their doctor or the AUP Health Office, to remain home. It is the student's responsibility to be aware of any specific attendance policy that their professor might have set in the course syllabus. In particular, Students attending remotely from distant Time Zones should check with their professors about the department's attendance policy for remote learners.

Attendance at all exams is mandatory. In all cases of missed course meetings, the responsibility for completing missed work, the professor, and for arranging to make up missed work, rests solely with the student.

Whether an absence is excused or not is ALWAYS up to the discretion of the professor or the department. Excessive absences can result in a low or failing participation grade. In the case of excessive absences, it is up to the department to decide if the student will receive an "F" for the course. An instructor may also recommend withdrawal, if absences have made it impossible to continue in the course at a satisfactory level.

Students must be mindful of this policy when making their travel arrangements, and *especially during the exam periods.*

### ENGLISH LANGUAGE PROFICIENCY STATEMENT:

As an Anglophone university, The American University of Paris is strongly committed to effective English instruction at the undergraduate level. Most courses require scholarly research and formal written and oral presentation skills.

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AUP students are expected to strive to achieve excellence in these domains as part of their course work. Professors include English proficiency among the criteria in student evaluation, often referring students to the Writing Center Lab where they may obtain help on specific academic assignments. Proficiency in English is monitored throughout the student's academic career, most notably during the admissions and advising processes, when completing general education requirements, and during the accomplishment of degree program courses.

## Grading Policy

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### GRADING POLICY:

**1) CLASS PARTICIPATION: 20%** To some extent this class is structured as a discussion seminar. It is thus essential that you do the assigned readings before each class meeting and actively participate in class discussions. This includes listening actively and discussing the readings, raising thoughtful, pertinent questions, and asking for clarification where necessary.

**2) MIDTERM EXAM: 25%**

**3) RESEARCH PAPER (10-12 PAGES EXCLUDING BIBLIOGRAPHY): 30%**

**4) FINAL EXAM: 25%**

## Other

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