

**Norms, Rights, and Social Justice:
Feminists, Disability Rights Activists and the Poor at the Boundaries of the Law**

**Political Science/LJST 474
Fall 2011**

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COURSE DESCRIPTION:

This seminar explores how the civil rights movement began a process of social change and identity-based activism. We evaluate the successes and failures of excluded groups' efforts to use the law. We primarily focus on the recent scholarship of theorists, legal professionals, and activists to define "post-identity politics" strategies and to counteract the social processes that normalize persons on the basis of gender, sexuality, disability, and class.

BOOKS:

Course books are available for purchase at the Amherst Bookstore.

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*
Derrick Bell, *Silent Covenants*
J.M. Coetzee, *The Lives of Animals*
Charles R. Epp, *Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State*
Martha Fineman, *The Neutered Mother*
Anna Kirkland, *Fat Rights: Dilemmas of Difference and Personhood*
Michael Sandel, *The Case Against Perfection: Ethics in the Age of Genetic Engineering*

All other readings are available on electronic reserves.

COURSE REQUIREMENTS:

The course will be conducted in a seminar format. It is essential to come to class prepared to discuss the assigned readings. Two shorter assignments, designed as "building blocks" for the final paper, will be submitted in early October and November. These papers will be revised and resubmitted as part of the final 20-page seminar paper. **All students are required to submit a draft of their seminar paper and the final papers will not be accepted unless a draft has been submitted prior to December 2nd.** If you are unable to attend class, please notify the professor via email. Frequent nonattendance or academic dishonesty will be cause for failure in the course.

READING ASSIGNMENTS:

September 6

Introduction to the Course

September 13

Animal Rights

J.M. Coetzee, *The Lives of Animals*, entire

Cass Sunstein and Martha Nussbaum, *Animal Rights*, pp. 19-92, 299-320.

Peter Singer, *Ethics into Action*, pp. 141-162.

Ani B. Satz, "Animals as Vulnerable Subjects: Beyond Interest-Convergence, Hierarchy, and Property" *Animal Law*, Volume 16, 2009.

September 20

The Civil Rights Society

Kristin Bumiller, "Victims in the Shadow of the Law," *Signs*, 1988

Patricia Ewick and Susan Silbey, "Narrating Social Structure: Stories of Resistance to Legal Authority," *American Journal of Sociology*, May 2003

Patricia Williams, *The Alchemy of Race and Rights*, pp. 216-236

Benjamin Fleury Steiner and Laura Beth Nielson, *The New Civil Rights Research*, pp. 1-9.

Vicki Lens "In the Fair Hearing Room: Resistance and Confrontation in the Welfare Bureaucracy," *Law & Social Inquiry*, Volume 32, Issue 2, pp. 309-332

September 27

The Right to an Equal Education

Derrick Bell, *Silent Covenants*, entire

Martha Minow, *In Brown's Wake*, pp. 33-68

Parents Involved in Community Schools v. Seattle School District No. 1, Supreme Court, June 27, 2007 (optional)

October 4

Social Justice Activism, Liability and Rights

Charles R. Epp, *Making Rights Real: Activists, Bureaucrats, and the Creation of the Legalistic State*, entire

October 11

The Right to Gender Equality

Catherine MacKinnon, *Feminism Unmodified*, pp. 72-83, 91-102

Angela Harris, "Race and Essentialism in Feminist Legal Theory," 42 *Stanford Law Review*, February 1990, pp. 581-616

Drucilla Cornell, *The Imaginary Domain*, pp. 3-27, 231-238

Martha Fineman, "The Vulnerable Subject" 20 *Yale University Journal of Law and Feminism* 1 (2008) and "The Vulnerable Subject and the Responsive State" (manuscript)

October 18

Feminist Theories and The Family

Martha Fineman, *The Neutered Mother*, entire

October 25

Intimacy, Sexuality and Rights

Katherine Franke, "Theorizing Yes: An Essay on Feminism, Law and Desire," in Martha Fineman et al., *Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations*

Vicki Shultz, "The Sanitized Workplace Revisited," in Martha Fineman et al., *Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations*

Ruthann Robson, "Compulsory Matrimony," in Martha Fineman et al., *Feminist and Queer Legal Theory: Intimate Encounters, Uncomfortable Conversations*

Hillary Goodridge and others v. Department of Public Health, November 18, 2003

Elizabeth F. Emens, "Intimate Discrimination: The State's Role in the Accidents of Sex and Love," *Harvard Law Review* 122, 2009, 1307.

November 1

Rights and Genetic Engineering

Michael Sandel, *The Case Against Perfection: Ethics in the Age of Genetic Engineering*, entire

Dorothy Roberts, "Race, Gender, and Genetic Technologies: A New Reproductive Dystopia?" 34 *Signs: Journal of Women and Culture in Society*, 783-804 (2009).

November 8

Disability and Rights

Adrienne Asch, "Critical Race Theory, Feminism, and Disability," *Gendering Disability*, Bonnie G. Smith and Beth Hutchison, Editors, pp. 9-44.

Harriet McBride Johnson, "Unspeakable Conversations or How I Spent One Day as a Token Cripple at Princeton University," *The New York Times Magazine*, Feb 16, 2003

Shelly Tremain, "On the Government of Disability," *Social Theory and Practice*, 2001, pp. 617-636

Tobin Siebers, *Disability Theory*, pp. 120-134.

James I. Charlton, *Nothing About Us Without Us: Disability Oppression and Empowerment*, pp. 3-4.

Kristin Bumiller, "Quirky Citizens: Autism and the Anti-Normalization of Politics," *Signs: Journal of Women and Culture in Society*, Volume 33, Number 4, Summer 2008, pp. 967-991

November 15

Broadening the Civil Rights Paradigm

Anna Kirkland, *Fat Rights: Dilemmas of Difference and Personhood*, entire

November 29

Sexual Violence

Lisa Frohmann, "Discrediting Victim's Allegations of Sexual Assault," *Rape and Society*

Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color," *The Public Nature of Private Violence*, Fineman & Mykitiuk, ed., pp. 93-118

Kristin Bumiller, *In an Abusive State*, Chapter One

December 6

Mass Incarceration

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, entire

December 13

Final Class: Student Presentations