An advanced feminist theory/political theory/queer theory/legal theory seminar for graduate students, law students, and undergraduate seniors with adequate preparation. The seminar will deal first with theoretical approaches to sexuality that build on and interrogate the feminist theoretical approach that defines sexuality as a social construction, rather than an expression of a-historical instincts. Then we will explore a series of major legal and political issues: the right to privacy with respect to contraception and abortion; the restriction of abortion rights; the exclusion of homosexual sodomy from the practices protected by the right to privacy; the racial regulation of marriage; same-sex marriage; Fineman’s “sexual family” critique of family law; the sexual regulation of poor single mothers in contemporary welfare law; child welfare law, and contemporary reproductive technology controversies. Throughout the course, we will examine the extent to which sexuality is constructed in articulation with gender, class and race differences. Our reading list will include theoretical works (Petchesky, Freud, Weeks, Foucault, Gordon, Pascoe, Hill Collins, Spillers, Halley, Roberts and Fineman), Supreme Court decisions, related official documents, and materials from advocacy organizations and service providers.

Course Evaluation

Presentation and Discussant's Response -- For every class, one person will be responsible for making a presentation on the required reading, and one person will act as the discussant. The presenter will make his/her paper (approximately 6-7 pages long; double-spaced) available to me and to other members of the seminar at least 24 hours before the class meeting. (We will distribute the papers via the students' e-mail addresses, using Word attachments. Please do not forward computer viruses to your colleagues, and please prepare your own computer for an onslaught of the latest viruses. We have not had any spectacular crashes for a few semesters, so it seems that if we place our faith in the professional services of the CIT people, we will all come out of the course with more or less intact systems. Just do your part by running the latest virus protection programs throughout the course, and try to avoid communicating with the class from unprotected computers. Many thanks! ) The discussant will then prepare his/her remarks. Ideally, presentations will last 25-35 minutes, and responses 15 minutes. Presentations and responses should be as jargon-free as possible, with all terms clearly defined. They should feature substantial close readings of selected passages from the assigned readings. Depending on the level of enrollment, each participant may be required to do more than one presentation and response.

Like the presentation, the examinations (for undergraduates and others who choose this track) will deal with primarily with the required reading.
All seminar participants are expected to attend every session, to complete the required readings in advance, and to engage in seminar discussions.

Auditors are welcome, but they are expected to complete the required readings, to attend every session of the course, and to contribute a presentation and response.

Students who are taking the course for credit should select one of the following "tracks." (Please note that all undergraduates who have secured special permission from me to enroll in this course must take the examination track. Students from the Graduate Program and the Law School are welcome to choose either one of the tracks up until spring break.)

Research Track

Course Requirements:

30% written version of short paper critically discussing the required readings for one class meeting, circulated to the class before the class meeting

10% oral presentation of short paper in class, and class participation

60% research paper, due the last week of classes

Examination Track

Course Requirements:

20 % written version of short paper critically discussing the readings for one week, prior to spring break, circulated to the class before the class meeting (undergraduates must sign up to give a presentation during one of the meetings prior to spring break)

20 % oral presentation of short paper in class, respondent remarks, and class participation

25 % mid-term examination (on required course readings assigned for sessions # 2-5): to be held outside class time before spring break

35 % second mid-term examination (on required course readings assigned throughout the semester, with special emphasis on those assigned after session # 5), to be held outside class time during exam period

Additional Requirements (both tracks)

1. Cut rule: if you are significantly late or miss class altogether on more than two occasions, you will probably be asked to drop the course, out of fairness to your colleagues.

2. A grade of "F" in any one assignment will result in a grade of "F" for the course.
3. For more guidance on delivering an oral presentation to the class and on writing political
text theory essays, please see the relevant memos posted on my website:
http://falcon.arts.cornell.edu/ams3

Course Texts

Students are asked to obtain copies of the legal documents listed in the syllabus through the
Lexis Nexis service via the library gateway. Many of the required course texts are available on
reserve in the Government Reading Room, Fourth Floor, Olin Library. Students interested in
purchasing texts may consult the campus bookstore where I have placed a limited order.

1. Introduction

22 January

2. The Regulation of Sexuality (I)

29 January

Dorothy Roberts, Killing the Black Body: Race, Reproduction and the Meaning of Liberty, New

Recommended:

Patricia Hill Collins, Black Feminist Thought: Knowledge, Consciousness, and the Politics of
Empowerment.

Daniel Patrick Moynihan, The Negro Family: The Case for National Action


Evelyn Brooks Higginbotham, "African-American Women's History and the Metalanguage of
Race," in "We Specialize in the Wholly Impossible": A Reader in Black Women's History, eds.

Ann Stoler, Race and the Education of Desire: Foucault's History of Sexuality and the Colonial
Order of Things.

Evelyn Nakano Glenn, “From Servitude to Service Work: Historical Continuities in the Racial

Gwendolyn Mink, Welfare’s End

Ange-marie Hancock, The Politics of Disgust

3. The Regulation of Sexuality (II)

5 February


Recommended:

S. Freud, On Sexuality

M. Foucault, Discipline and Punish

M. Foucault, The History of Sexuality, vol. I

Jeffrey Weeks, Sex, Politics and Society: The Regulation of Sexuality Since 1800

Jeffrey Weeks, Sexuality

G. Rubin, Thinking Sex, in C. Vance, ed., Pleasure and Danger

L. Duggan and N. Hunter, Sex Wars: Sexual Dissent and Political Culture


Nancy Ordover, American Eugenics

Laura Briggs, Reproducing Empire

Linda Gordon, Pitied But Not Entitled

Rosalind Petchesky, Abortion & Woman's Choice: The State, Sexuality & Reproductive Freedom.


(12 February – class cancelled)
4. Right to privacy -- contraception and abortion

19 February

Griswold v. Connecticut

Roe v. Wade

5. Right to privacy -- restrictions on abortion

26 February

Maher v. Roe

Harris v. McRae

Webster v. Reproductive Health Services

Rust v. Sullivan

Planned Parenthood v. Case

Gonzales v. Carhart


4 March

Bowers v Hardwick

Lawrence v. Texas


7. Marriage I – the “sexual family” in family law.

11 March


Recommended:


(spring break)

8. Marriage II – race and marriage

25 March

Loving v. Virginia

Recommended:


9. Marriage III – same-sex marriage

1 April


Recommended:


The 2006 “Beyond Same-Sex Marriage” Statement (http://www.beyondmarriage.org)

10. The “other family law”: The sexual regulation of poor women in welfare law.

8 April
Anna Marie Smith, Welfare Reform and Sexual Regulation (New York: Cambridge University Press, 2007)

Recommended:


11. The other side of the “right to adopt”: Race and the Child Welfare System

15 April


Recommended:


12. The other side of the “right to have a child”: Surrogacy, the Reproductive Technology Market and the Law

22 April

Anna Johnson v. Mark Calvert et. al, 5 Cal. 4th 84 (1993) (Supreme Court of California) 


Recommended:

Center for Genetics and Society (http://www.genetics-and-society.org): website

Generations Ahead, Tides Center (http://www.tidescenter.org): website


29 April

K.M. v. E.G. 

Elisa B. v. Superior Court

Kristine H. v. Lisa R.

Anna Marie Smith, ““Artificial Insemination, LGBT Legal Advocacy, and Neoliberalism: The California Same-Sex Parents' Rights 'Victories' of 2005” Signs (forthcoming)