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## Feminist Legal Theory (Vol. 1)

A collection of previously published articles.

## Feminist Legal Theory

Feminist Legal Theory is just over a decade old in the United States and is even younger in most other countries. Here, Francis Olsen presents the best articles from within this burgeoning field. Drawing on literature which is extremely rich and varied, these volumes include articles from a range leading legal scholars and feminists. Two volumes.

## Feminist Legal Theory (Vol. 2)

This volume chronicles a quarter-century of feminist theorizations on equality and liberty. The essays demonstrate a continuing commitment to feminist method (a democratic notion that all people have a right to participate in the production of knowledge of the world, including legal knowledge) and manifest feminism's continuing critical tradition (namely, theorists' willingness to see multiple factors, including feminism itself, as obstructing enlightened constructions of the world). Taken together, the essays suggest that liberty to make the world is not just a means to an end - equality - but is a substantive end in itself.

## Gender and Feminist Theory in Law and Society

The leading articles on gender and justice within Anglo-American legal theory are assembled in this volume. The essays are drawn primarily from the writings of lawyers working in the common law tradition and they mainly examine the justice of legal institutions. Due to the close kinship between political and legal theories of justice, the book also includes a selection of the work of the more prominent political theorists of justice and gender.

## Gender and Justice

Annotation Feminists have recently begun to challenge the powerful influence of the law on the social and cultural construction of women's roles, identities, and rights. This timely work provides a series of non-technical, interdisciplinary explorations into the nature and effects of legal regulation on women's lives.

#### At the Boundaries of Law

How should feminist theories conceive of the subject? What is it to be a legal person? What part does embodiment play in subjectivity? Can there be a conception of rights which does justice to the social contexts in which rights claims are embedded? Is the way the law constitutes legal subjects a form of violence? These questions lie at the heart of contemporary feminist theory, and in this collection they are addressed by a group of distinguished international scholars working in law, philosophy and politics. The volume, in which the concerns of one author are taken up by others, advances current debate on two interconnected levels. First, it contains original and ground-breaking discussions of the questions raised above. At the same time, it contains a more reflexive strand of argument about the intellectual resources available to feminist thinkers, and the advantages and dangers of borrowing from non-feminist traditions of thought. It thus provides an exceptionally rich examination of contemporary legal and political feminist theory.

#### Visible Women

Feminists have recently begun to challenge the powerful influence of the law on the social and cultural construction of women's roles, identities, and rights. *At the Boundaries of Law* is a timely and path-breaking work that provides a series of non-technical, interdisciplinary explorations into the nature and effects of legal regulation on women's lives. Together the essays examine the fertile – and radically revisionary – links between feminism and legal theory. But *At the Boundaries of Law* rejects the abstract 'grand theorizing' of traditional feminist legal theory, focusing instead on the concrete and material implications of the legal injustices endured by women. These essays emphasise the complex diversity of female experience, collectively arguing for legal theory and practice that both recognises and accommodates the concept of 'difference' – in gender, class, race and sexual orientation. *At the Boundaries of Law* also raises provocative questions about the methodology and future of feminist legal theory itself. In its rich variety of issues and approaches, this volume will command the interest not only of legal theorists, but of those interested in women's studies, philosophy, politics, sociology and history. It is sure to set the future agenda for scholars, policymakers and anyone concerned with the role of law in society.

#### At the Boundaries of Law (RLE Feminist Theory)

The third in a series of three volumes on Contemporary Legal Theory, this volume deals with four topics: 1) the role of legal theory in the legal curriculum; 2) the teaching of legal theory; 3) the relationship of legal theory to legal scholarship; and 4) the relationship of legal theory to comparative law. The focus of the first two topics is on the common law world, where the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since John Austin's 1828 lecture, 'The Uses and the Study of Jurisprudence.' These first two parts offer a selection of the most important papers, including surveys, as well as pedagogical viewpoints and particular course descriptions from analytical, critical, feminist, law-and-literature and global perspectives. The last three decades have seen just as many changes for legal scholarship and comparative law. These changes (such as the rise of empirical legal scholarship) have often attracted the attention of legal theorists. Within comparative law, the last thirty years have witnessed intense methodological reflection within the discipline; the results of these reflections are themselves properly recognised as legal theoretical contributions. The volume collects the key papers, including those by Neil MacCormick, Mark Van Hoecke, Andrew Halpin, William Ewald and Geoffrey Samuel.

#### At the Boundaries of Law

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material implications of the legal injustices endured by women. These essays emphasise the complex diversity of female experience, collectively arguing for legal theory and practice that both recognises and accommodates the concept of difference in gender, class, race and sexual orientation. At the Boundaries of Law also raises provocative questions about the methodology and future of feminist legal theory itself. In its rich variety of issues and approaches, this volume will command the interest not only of legal theorists, but of those interested in women's studies, philosophy, politics, sociology and history. It is sure to set the future agenda for scholars, policymakers and anyone concerned with the role of law in society."

### Legal Theory and the Legal Academy

The Research Handbook on Feminist Jurisprudence surveys feminist theoretical understandings of law, including liberal and radical feminism, as well as socialist, relational, intersectional, post-modern, and pro-sex and queer feminist legal theories.

### At the Boundaries of Law (Rle Feminist Theory): Feminism and Legal Theory

As a distinct scholarly contribution to law, feminist legal theory is now well over three decades old. Those three decades have seen consolidation and renewal of its central concerns as well as remarkable growth, dynamism and change. This Companion celebrates the strength of feminist legal thought, which is manifested in this dynamic combination of stability and change, as well as in the diversity of perspectives and methodologies, and the extensive range of subject-matters, which are now included within its ambit. Bringing together contributors from across a range of jurisdictions and legal traditions, the book provides a concise but critical review of existing theory in relation to the core issues or concepts that have animated, and continue to animate, feminism. It provides an authoritative and scholarly review of contemporary feminist legal thought, and seeks to contribute to the ongoing development of some of its new approaches, perspectives, and subject-matters. The Companion is divided into three parts, dealing with 'Theory', 'Concepts' and 'Issues'. The first part addresses theoretical questions which are of significance to law, but which also connect to feminist theory at the broadest and most interdisciplinary level. The second part also draws on general feminist theory, but with a more specific focus on debates about equality and difference, race, culture, religion, and sexuality. The 'Issues' section considers in detail more specific areas of substantive legal controversy.

### Research Handbook on Feminist Jurisprudence

First published in 1998, this book explores the links between theories of feminism and the practice of law, and does so through an examination of a number of contemporary themes in feminist legal studies. From an interdisciplinary perspective, this book examines, as one of its overarching themes, the existence of a distinctively female legal voice, or voices. In arguing for a recognition of the diversity of women's experiences of the law and in the law, it is also maintained that the role of feminism as a political strategy must not be lost. Feminist legal studies is one of the most exciting and dynamic areas of contemporary legal studies and the ambition of this book is both to capture and channel this dynamic. In introducing themes from politics, philosophy, literature, sociology and cultural studies, this book will be of interest to a wide ranging audience.

### The Ashgate Research Companion to Feminist Legal Theory

Feminist legal theory is one of the most dynamic fields in the law, and it affects issues ranging from child custody to sexual harassment. Since its initial publication in 2006, *Feminist Legal Theory: A Primer* has received rave reviews. Now, in the completely updated second edition of this outstanding primer, Nancy Levit and Robert R.M. Verchick introduce the diverse strands of feminist legal theory and discuss an array of substantive legal topics, pulling in recent court decisions, new laws, and important shifts in culture and technology. The book centers on feminist legal theories, including equal treatment theory, cultural feminism, dominance theory, critical race feminism, lesbian feminism, postmodern feminism, and ecofeminism. Readers will find new material on women in politics, gender and globalization, and the promise and danger of expanding social media. Updated statistics and empirical analysis appear throughout. The authors, prominent experts in the field, also address feminist legal methods, such as consciousness-raising and storytelling. The primer offers an accessible and pragmatic approach to feminist legal theory. It demonstrates the ways feminist legal theory operates in real-life contexts, including domestic violence, reproductive rights, workplace discrimination, education, sports, pornography, and global issues of gender. The authors highlight a sweeping range of cutting-edge topics at

the intersection of law and gender, such as single-sex schools, abortion, same-sex marriage, rape on college campuses, and international trafficking in women and girls. At its core, Feminist Legal Theory shows the importance of the roles of law and feminist legal theory in shaping contemporary gender issues.

### Legal Feminisms

Uses the failure of women to fit into male models of both law and theory as a way to rethink legal questions, including the meaning of equality, freedom, justice and citizenship. This includes concern about the way in which queer theory and critical race theory intersect with feminist theory today.

### Feminist Legal Theory (Second Edition)

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

### Feminist Perspectives on Law and Theory

Analyzing the relationship between feminist theories and the law, this work takes as its starting point a study of women and culture on an international level, which demonstrates how religious and cultural influences have been fundamental in establishing contemporary legal and social mores.

### Law in History (Vol. 1)

The essays in this volume fall within a chapter on one of the foundational law subjects on the degree syllabus, and aim to provide an account of feminist approaches to each of the following areas: contracts, torts, land law, equity and trusts, criminal law, public law, and European law.

### Sourcebook on Feminist Jurisprudence

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

### Feminist Perspectives on The Foundational Subjects of Law

Topics range from the conceptual framework of modern legal practices to the legal construction of the relations between individual, state and community. These essays also look at deploying the law as a means of furthering feminist values.

### Property Law (Vol. 1)

This book conducts a gendered critique of the 'principle of distinction' in international humanitarian law (IHL), with a focus on recent conflicts in Africa. The 'principle of distinction' is core to IHL, and regulates who can and cannot be targeted in armed conflict. It states that civilians may not be targeted in attack, while combatants and those civilians directly participating in hostilities can be. The law defines what it means to be a combatant and a civilian, and sets out what behaviour constitutes direct participation. Close examination of the origins of the principle reveals that IHL was based on a gendered view of conflict, which envisages men as fighters and women as victims of war. Problematically, this view often does not accord with the reality in 'new wars' today in which women are playing increasingly active roles, often forming the backbone of fighting groups, and performing functions on which armed groups are highly reliant. Using women's participation in 'new wars' in Africa as a study, this volume critically examines the principle through a gendered lens, questioning the extent to which the principle serves to protect women in modern conflicts and how it fails them. By doing so, it questions whether the principle of distinction is suitable to effectively regulate the conduct of hostilities in new wars. This book will be of much interest to students of international law, gender studies, African politics, war and conflict studies, and international relations.

### Unspeakable Subjects

There is much debate about postfeminism, what it is, and its role in feminist politics. Whilst postfeminism has become increasingly influential in the study of literature, popular culture, and philosophy, it has so far received comparatively little attention in law. This book aims to remedy this situation. The book brings together feminist legal scholars working in different contexts to examine the idea of postfeminism and assess its contemporary relevance. It explores a range of questions including the following: Does postfeminism describe an age that follows modernism, an age where identity politics has realised its goals and feminism is no longer needed? Or does postfeminism describe the feminism of a postmodernist age where identity can mean anything at all? Or, differently again, does the term capture a 'new feminism' that discredits feminism and attempts to reshape its political consciousness? And what might the answers to these questions mean for law and legal theory, and a feminist politics of law reform?

#### Gender, Conflict and International Humanitarian Law

The essays in this volume analyse feminism's positioning vis-à-vis international law and the current paradigms of international law. The authors argue that, willingly or unwillingly, feminist perspectives on international law have come to be situated between 'resistance' and 'compliance'. That is, feminist scholarship aims at deconstructing international law to show why and how 'women' have been marginalised; at the same time feminists have been largely unwilling to challenge the core of international law and its institutions, remaining hopeful of international law's potential for women. The analysis is clustered around three themes: the first part, theory and method, looks at how feminist perspectives on international law have developed and seeks to introduce new theoretical and methodological tools (especially through a focus on psychoanalysis and geography). The second part, national and international security, focuses on how feminists have situated themselves in relation to the current discourses of 'crisis', the post-9/11 NGO 'industry' and the changing discourses of violence against women. The third part, global and local justice, addresses some of the emerging trends in international law, focusing especially on transitional justice, state-building, trafficking and economic globalisation.

#### Feminism, Postfeminism and Legal Theory

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

#### Feminist Perspectives on Contemporary International Law

This book offers powerful analyses of the relationship between law and gender and new understandings of the limits of, and opportunities for, legal reform drawn from the experiences of women and from critical perspectives developed within other disciplines.

#### Natural Law (Vol. 1)

Drawing on the latest thinking in the fields of feminist legal theory, critical legal studies, and feminist economics, the essays critique the notion that legal and policy decision should be made solely through the lens of economics.

#### The International Library of Essays in Law and Legal Theory. Legal Cultures

This current and timely volume presents new thinking and new directions in feminist legal scholarship. Rethinking key concepts in legal feminism, Cowan and Hunter provide a unique examination of key socio-legal concepts in law, jurisprudence and legal and political theory. Written by an international cast of contributors, offering different cultural perspectives as well as doctrinal and theoretical knowledge, this collection of essays presents a dialogue between different feminist positions and approaches to a common theme. It addresses a range of questions, including: Can 'consent' be rethought and infused with different meanings in a post-liberal feminist politics? Can the concepts of 'choice' and 'consent' have consistent meanings and functions between different areas of law, or whether they prove to be highly contingent when viewed across the broad field of law. Exploring the deeply gendered concepts of 'choice' and 'consent' and examining the philosophical and jurisprudential issues surrounding them as well as how 'choice' and 'consent' operate in particular areas of law, including criminal law, medical

law, constitutional law, employment law, family law and civil procedure, this volume is a key resource for postgraduate law students studying jurisprudence.

### Feminist Legal Theory

Mary Joe Frug charts a course for future feminist thinking about law. She identifies the political and theoretical limitations of earlier strands of legal feminism and demonstrates why postmodernism offers more hope for women in law.

### Feminism Confronts Homo Economicus

Law, crime, and sexuality transcends the traditional fragmentation of sociology, criminology, socio-legal studies, and feminist theory and philosophy. It enables readers to draw on aspects from each discipline and see how various themes and discussions are related. Compiled specifically for students' needs, the essays show that theory need not be too hard or too inaccessible, and help students to understand the law in conceptual terms while enabling them to become fully aware of the extent to which the law is implicated in our everyday lives.

### Choice and Consent

This book raises awareness about gender perspective in political and legal theories and historical analysis. The impacts of feminist political and legal theories, as well as critical legal studies, have been embedded in all the papers in different ways and degrees. Differences among feminist political and legal ideas are visible in the different approaches. The ongoing issue of defining gender, for example, is a recurring theme in the texts. Some papers question the binary basis of the gender issue and the notion of gender as such, while others start from the binary dichotomy and attempt to expand the consideration towards a multi-dimensional understanding of gender identities. The main focus is on a feminist reconsideration of all relevant fields of legal knowledge. The primary aim is to demystify the seemingly neutral character of legal norms and legal knowledge and highlight the power relations at different layers, beginning with male and female legal subjects of Western heredity (in terms of culture, ethnicity, and race), then moving on to different needs and power relations among female persons of different races and classes, and finally addressing differentiating gender relations and identities beyond the framework of the women-men binary codification, i.e., also taking into consideration the multiple options of intersex, transgender, queering, etc. Taking seriously the issue of the “maleness” of political and legal theories is indeed a challenging and relevant endeavor for legal scholars. The male bias is present not only throughout history but also in the present, given that our “universal” categories of political and legal thought are still overburdened by unequal power relations. It is also important to open our minds and knowledge production for a gender-sensitive and gender-competent intersectional approach, which would also include various queer-, race- and class-based considerations. These tasks should be of interest not only to critical legal scholars but also all those belonging to mainstream legal and political thought.

### Postmodern Legal Feminism

This book provides a student text covering the major issues in feminist jurisprudence and to analyse the manner in which both traditional jurisprudence and law have remained a masculine subject.

### Law, Crime and Sexuality

How should feminist theories conceive of the subject? What is it to be a legal person? What part does embodiment play in subjectivity? Can there be a conception of rights which does justice to the social contexts in which rights claims are embedded? Is the way the law constitutes legal subjects a form of violence? These questions lie at the heart of contemporary feminist theory, and in this collection they are addressed by a group of distinguished international scholars working in law, philosophy and politics.

### Feminist Legal Theory: Foundations

This edited collection examines the relationship between three central terms—capitalism, feminism, and critique—while critically celebrating the work and life of a thinker who has done the most to address this nexus: Nancy Fraser. In honor of her seventieth birthday, and in the spirit of her work in the tradition of critical theory, this collection brings together scholars from different disciplines and theoretical

approaches to address this conjunction and evaluate Fraser's lifelong contributions to theorizing it. Scholars from philosophy, political science, sociology, gender studies, race theory and economics come together to think through the vicissitudes of capitalism and feminism while also responding to different elements of Nancy Fraser's work, which weaves together a strong feminist standpoint with a vibrant and complex critique of capitalism. Going beyond conventional disciplinary distinctions and narrow debates, all the contributors to this project share a commitment to critically understanding the connection between capitalism, exploitation, and the viable roads for emancipation. They recover insights provided by classical traditions of political and social thought, but they also open new research directions adapted to the global challenges of our time.

### Feminist Approaches to Law

Moving beyond the question of whether an area of scholarly investigation can truly be characterized as 'legal', *Exploiting the Limits of Law* combats the often unhelpful constraints of law's subject-matter and formal processes. Through a process of reflection on the limits of law and repeated efforts to redraw them, this book challenges the general sense of pessimism among feminists and others about the usefulness of law as an instrument of change. The work combines theoretical analysis of the law's boundaries with investigation of the practical settings for changing legal and policy environments. Both the empirical focus of this volume, and its underlying theoretical concern with the limits of the law and its gender implications, render it of interest to legal scholars throughout the world, whether of EU law, feminism, social policy or philosophy.

### Introduction to Feminist Jurisprudence

In the first book-length treatment of the application of feminist theories of international law, Charlesworth and Chinkin argue that the absence of women in the development of international law has produced a narrow and inadequate jurisprudence that has legitimated the unequal position of women worldwide rather than confronting it. The boundaries of international law provides a feminist perspective on the structure, processes and substance of international law, shedding new light on treaty law, the concept of statehood and the right of self-determination, the role of international institutions and the law of human rights. Concluding with a consideration of whether the inclusion of women in the jurisdiction of international war crimes tribunals represents a significant shift in the boundaries of international law, the book encourages a dramatic rethinking of the discipline of international law. With a new introduction that reflects on the profound changes in international law since the book's first publication in 2000, this provocative volume is essential reading for scholars, practitioners and students alike.

### Visible Women

### Imagining Law