Feminist Legal Theory

An Anti-Essentialist Reader

EDITED BY

Nancy E. Dowd and Michelle S. Jacobs

New York University Press
NEW YORK AND LONDON
## Contents

**Introduction**  
*Michelle S. Jacobs*  
1

**Introduction**  
*Nancy E. Dowd*  
5

### PART I Theories, Strategies, and Methodologies  
Introduction

1. **The Future of Feminist Legal Theory**  
   *Patricia A. Cain*  
   14

2. **Theorizing Difference from Multiracial Feminism**  
   *Maxine Baca Zinn and Bonnie Thornton Dill*  
   20

3. **Autonomy, Aspiration, and Accomplishment: Some Steps and Barriers to Equality for Women**  
   *Patricia Smith*  
   26

4. **The Multiple Self: Exploring between and beyond Modernity and Postmodernity**  
   *john a. powell*  
   34

5. **The Development of Feminist Consciousness among Asian American Women**  
   *Esther Ngan-Ling Chow*  
   42

6. **At the Intersection of Gender and Sexual Orientation: Toward Lesbian Jurisprudence**  
   *Mary Eaton*  
   49

7. **The LatIndia and Mestizajes: Of Cultures, Conquests, and LatCritical Feminism**  
   *Berta Esperanza Hernández-Truyol*  
   56

8. **White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences through Work in Women’s Studies**  
   *Peggy McIntosh*  
   63

9. **Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition**  
   *Mari J. Matsuda*  
   73
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Feminist Methods in International Law</td>
<td>Hilary Charlesworth</td>
<td>78</td>
</tr>
<tr>
<td>11</td>
<td>Turning the Gaze Back on Itself: Comparative Law, Feminist Legal Studies, and the Postcolonial Project</td>
<td>Brenda Cossman</td>
<td>86</td>
</tr>
<tr>
<td><strong>PART II</strong></td>
<td><strong>Women's Work and Wealth</strong></td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>12</td>
<td>Implementing Antiessentialism: How Gender Wars Turn into Race and Class Conflict</td>
<td>Joan Williams</td>
<td>96</td>
</tr>
<tr>
<td>13</td>
<td>Spiritual and Menial Housework</td>
<td>Dorothy E. Roberts</td>
<td>110</td>
</tr>
<tr>
<td>14</td>
<td>Toward a Global Critical Feminist Vision: Domestic Work and the Nanny Tax Debate</td>
<td>Taunya Lovell Banks</td>
<td>122</td>
</tr>
<tr>
<td>15</td>
<td>(Dis)Assembling Rights of Women Workers along the Global Assembly Line: Human Rights and the Garment Industry</td>
<td>Laura Ho, Catherine Powell, and Leti Volpp</td>
<td>136</td>
</tr>
<tr>
<td>16</td>
<td>Commercial Sex: Beyond Decriminalization</td>
<td>Sylvia A. Law</td>
<td>145</td>
</tr>
<tr>
<td>17</td>
<td>Working without a Job: The Social Messages of the New Workfare</td>
<td>Matthew Diller</td>
<td>151</td>
</tr>
<tr>
<td>18</td>
<td>Equality, of the Right Sort</td>
<td>Edward J. McCaffery</td>
<td>159</td>
</tr>
<tr>
<td>20</td>
<td>How Should Human Rights and Development Respond to Cultural Legitimization of Gender Hierarchy in Developing Countries?</td>
<td>Celestine I. Nyamu</td>
<td>175</td>
</tr>
<tr>
<td><strong>PART III</strong></td>
<td><strong>Women, Children, Well-Being, and the State</strong></td>
<td></td>
<td>189</td>
</tr>
<tr>
<td>21</td>
<td>Family, Feminism, and Race in America</td>
<td>Maxine Baca Zinn</td>
<td>193</td>
</tr>
<tr>
<td>22</td>
<td>Cracking the Foundational Myths: Independence, Autonomy, and Self-Sufficiency</td>
<td>Martha Albertson Fineman</td>
<td>200</td>
</tr>
</tbody>
</table>
23  Children's Rights  
   Barbara Bennett Woodhouse  
   207

24  Coercing Privacy  
   Anita Allen  
   213

25  In Defense of Single-Parent Families  
   Nancy E. Dowd  
   219

26  From Madonna to Proletariat: Constructing a  
   New Ideology of Motherhood in Welfare Discourse  
   Tonya L. Brito  
   226

27  We Will Get What We Ask For: Why Legalizing Gay  
   and Lesbian Marriage Will Not "Dismantle the Legal  
   Structure of Gender in Every Marriage"  
   Nancy D. Polikoff  
   233

28  "The Past Never Vanishes": A Contextual Critique  
   of the Existing Indian Family Doctrine  
   Lorie M. Graham  
   239

29  Transracial and International Adoption: Mothers, Hierarchy,  
   Race, and Feminist Legal Theory  
   Twila L. Perry  
   252

30  Gender Matters: Implications for Clinical Research  
   and Women's Health Care  
   Karen H. Rothenberg  
   260

31  The Fuzzy Logic of Race and Gender in the Mismeasure  
   of Asian American Women's Health Needs  
   Lisa C. Ikemoto  
   266

32  Representing Race: Unshackling Black Motherhood  
   Dorothy E. Roberts  
   271

33  Blaming Culture for Bad Behavior  
   Leti Volpp  
   279

34  Bridges and Barricades: Rethinking Polemics and  
   Intransigence in the Campaign against Female Circumcision  
   L. Amede Obiora  
   285

PART IV  Women and Violence:  
   Individuals, the State, and Other Actors  
   Introduction  
   291

35  Gender, Violence, Race, and Criminal Justice  
   Angela P. Harris  
   295

36  Multiple Masculinities:  
   A New Vision for Same-Sex Harassment Law  
   Rachel L. Toker  
   306