

May 18, 1997

Seminars, Lectures and a Workshop offered by
Prof. Frances Olsen, B.A., J.D., S.J.D.
June - July, 1997

Coordinators: Hiroko Hara and Kaoru Tachi
Institute for Gender Studies, Ochanomizu University
2-1-1, Otsuka, Bunko-ku, Tokyo 112
telephone: (03) 5978-5846, fax (03) 5978-5845

We are pleased to announce that Professor Frances Olsen (Professor of Law, University of California at Los Angeles (UCLA), U.S.A., and Overseas Fellow, Churchill College, Cambridge University, England) is our third Visiting Professor. She will present a series of five seminars on Feminist Legal Theory entitled "How Legal Studies Can Contribute to Gender Studies: Toward a Broader Understanding of Law." In addition, Professor Olsen will present a public lecture, "Gender Studies and Legal Studies" (with translation), as part of the celebration of the anniversary of the foundation of the Institute for Gender Studies on July 11, 1997, and will lead a workshop "Academic Sexual Harassment: Combatting Sexual Exploitation in Academic Institutions," July 25-26, 1997.

Prof. Olsen is an American legal theorist and founder of the field of study known as feminist legal theory, now taught in virtually every law school in the United States. She holds an S.J.D. (the highest U.S. law degree) from Harvard Law School in the history of legal thought, and has taught feminist legal theory at Oxford, Frankfurt, Berlin, E.U.I. (Florence, Italy), Harvard, Michigan and Tokyo University.

Recognizing that law serves to maintain the status quo at least as often as it serves to promote social justice, Professor Olsen sees legal theory as more than an abstract field of academic study. She has used feminist legal theory to organize movements of women legal academics and struggles to make legal theory contribute to the critical project of women's studies and gender studies.

Before becoming an activist professor, Frances Olsen was an activist lawyer struggling for social justice. In 1973, she served as lawyer for the Native Americans who demanded their treaty rights at Wounded Knee, South Dakota, and was present and represented them throughout the 71-day rebellion. She also established the first feminist pro-bono, public interest law firm in Denver, Colorado.

In her dozens of articles and books Professor Olsen has tried to make law accessible to non-lawyers at the same time that she has attempted to transform legal scholarship. Her most recent book is a two-volume edited collection of articles Feminist Legal Theory, published in soft-cover as well as hardback by Dartmouth Press.

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The time schedule is as follows:

Lecture series, How Legal Studies Can Contribute to Gender Studies:
Toward a Broader Understanding of Law

Wednesday evenings, 6:30-8:30 p.m. at Ochanomizu University

- June 11, Session 1 The Public-Private Distinction: Law's Images of Society
- June 18, Session 2 Legal Equality for Women: An End to Protective Labour Law?
- June 25, Session 3 Family Law: New Perspectives on the Homework Debate of the 1950s
- July 2, Session 4 Human Rights and Women's Rights
- July 9, Session 5 Sexual Rights, Reproductive Rights, and Protection Against Sexual Violence

Public Lecture, Gender Studies and Legal Studies (with translation)

July 11, 1997, 4 p.m. to 6 p.m., Ochanomizu University

15:50 ~ 16:50

Summer Workshop, Academic Sexual Harassment: Combatting Sexual Exploitation in Academic Institutions

July 25²⁴ - July 26²⁵, 1997, Ochanomizu University

The seminar series is designed to be of interest to people with no training or even previous interest in law. While it is intended that each seminar will build on the previous one, participants who cannot attend all the seminars are welcome to come to as many as they wish.

At each seminar session, Prof. Olsen will introduce the topic with a lecture of one hour or less and the second hour will be spent on Q&A and discussion of the readings prepared by Prof. Olsen and distributed in advance.

Please register for the seminars and arrange to obtain reading materials from xxx, Institute for Gender Studies, Ochanomizu University, telephone (03) 5978-5846, fax (03) 5978-5845.

Registration for the summer workshop may be restricted, so please submit the attached form by July 11. Those already having some interest in or knowledge of academic sexual harassment are especially encouraged to participate in the workshop.

How Legal Studies Can Contribute to Gender Studies:

Toward a Broader Understanding of Law

- セッション 1. The Public-Private Distinction: Law's Images of Society
Commentator: Michiko Nakayama (Affiliate Researcher of Ochanomizu University)

Law is not just a system of rules for governing society or a method for dispute resolution, but a cultural practice that can contribute either to the maintenance of the status quo or to changes in that status quo. Law can legitimate and thus perpetuate the subordination of women, or it can help to end the subordination of women. To illustrate this assertion, the seminar will examine the ways that law deals with notions of public and private: the public regulation by the state, controls over private enterprise, hesitation to intrude on the privacy of the family, etc.

- Readings: ① Olsen, Frances, "The Family and the Market: A Study of Ideology and Legal Reform," 96 Harvard Law Review 1497-1578 (1983).
② Pateman, Carole, "Feminist Critiques of the Public/Private Dichotomy," Public and Private in Social Life (S. Benn and G. Gaus eds., 1983).
③ Lacey, Nicola, "Theory into Practice? Pornography and the Public/Private Dichotomy," 20 Journal of Law and Society 93-113 (1993).

- セッション 2. Legal Equality for Women: An End to Protective Labour Law?
Commentator: Mutsuko Asakura (Professor, Tokyo Metropolitan University)

While there is a growing international consensus that women are and should be equal to men, there continues to be considerable debate and misunderstanding about what equality between the sexes means. The law can play an important role both in obscuring and in illuminating the real-life meanings given to the abstract notion of sex equality. The so-called "Sameness/Difference" debate developed around the issues of maternity leave and protective labour legislation, which provides a particularly useful illustration of the problems with defining sex equality and better and worse solutions.

- Readings: ① MacKinnon, Catharine, "Difference and Dominance," Feminism Unmodified 32-45 (1987). (Japanese translation available.)
② Olsen, Frances, "From False Paternalism to False Equality: Judicial Assaults on Feminist Community, Illinois 1869-1895," 84 Michigan Law Review 1518-1541 (1986).
③ Scott, Joan W., "Deconstructing Equality-Versus-Difference: Or, the Uses of Poststructuralist Theory for Feminist Studies," 14 Feminist Studies 33-50 (1988).

奥田 暁子 ほか 訳 『フェミニズムと表現の自由』 明石書店 1993の
中の「差異と支配 - 性差別について -」 p.53-73

セッション 3. Family Law: New Perspectives on the Homework Debate of the 1950s
Commentator: Masayuki Tanamura (Professor, Waseda University)

Just as many individual women struggle between the demands of their families and of their jobs or careers, women's movements in many countries have had to balance the interests women have in establishing and maintaining a satisfactory private or family life with women's interests in equality in employment and in public life generally. This seminar will attempt to provide a structure for evaluating the sexual politics of various proposed and enacted reforms of family law and how the motives for and consequences of such reforms are affected by these broader struggles.

- Readings: ① Olsen, Frances, "The Myth of State Intervention in the Family," 18 University of Michigan Journal of Law Reform 835-864 (1985).
② Weitzman, Lenore, The Divorce Revolution, pages ix-xiv, 184-194 (1982).
③ Report of the Gender Bias Study of the Supreme Judicial Court, Commonwealth of Massachusetts, pages 29-39 (1989).

セッション 4. Human Rights and Women's Rights
Commentator: Yuriko Kaminaga (Professor, Senshu University)

This seminar will attempt to place into a broader perspective the slogan "women's rights are human rights, human rights are women's rights," to explain why the slogan has until quite recently been controversial within the human rights community, and explore the promises and limitations of a "rights strategy" for improving the role and status of women.

- Readings ① Charlesworth, Hilary, "What are 'Women's International Human Rights'?", Chapter 3 in Cook, Rebecca, Women's Human Rights (1994) pp. 58-84.
② Coomaraswamy, Radhika, "To Bellow like a Cow: Women, Ethnicity, and the Discourse of Rights," Chapter 2 in Cook, Rebecca, Women's Human Rights (1994) pp. 39-57.
③ Olsen, Frances, "Liberal Rights and Critical Legal Theory: A Feminist Perspective," in Critical Legal Thought: An American-German Debate 241-254 (Christian Joerges & David Trubek, eds., Germany, 1989).
④ Abu-Odeh, Lama, "Post-Colonial Feminism and the Veil: Considering the Differences," 26 New England Law Review 1527-1537 (1992).
⑤ West, Robin, "Jurisprudence and Gender," 55 University of Chicago Law Review 1-72 (1988).

セッション5. Sexual Rights, Reproductive Rights, and Protection Against Sexual Violence
Commentator: Attorney, Yukiko Tsunoda

To what extent should sexual violence against women be seen as an aberration, or is it a basic part of the condition of women throughout much of the world? Is it related to basic constructions of sexual desire and sexuality? Is the sexual exploitation of women a cause or a result of the subordination of women, and what does law contribute to our investigations of this topic?

- Readings: ① Mahoney, Martha, "Legal Images of Battered Women: Redefining the Issue of Separation," 90 Michigan Law Review 1-93 (1991).
② Estrich, Susan, "Rape," 95 Yale Law Journal 1087 (1986). (Japanese translation available.)
③ Olsen, Frances, "The Supreme Court, 1988 Term -- Comment: Unraveling Compromise," 103 Harvard Law Review 105-135 (1989).

参考 Estrich, Susan, "Real Rape: How the Legal System
Victimizes Women Who Say No" Harvard University
Press (1987)
中岡典子訳 『リアル・レイプ』 1990 JICC出版

May 23, 1997

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--June 11 (Wed.), The Public-Private Distinction: Law's Images of Society Commentator: Michiko Nakayama (Affiliate Researcher of IGS, Ochanomizu University)

--June 17 (Tues.), Legal Equality for Women: An End to Protective Labour Law? Commentator: Mutsuko Asakura (Professor, Tokyo Metropolitan University)

--June 25 (Wed.), Family Law: New Perspectives on the Homework Debate of the 1950s Commentator: Masayuki Tanamura (Professor, Waseda University)

--July 2 (Wed.), Human Rights and Women's Rights Commentator: Yuriko Karminaga (Professor, Senshu University)

--July 9 (Wed.), Sexual Rights, Reproductive Rights, and Protection Against Sexual Violence Commentator: Attorney, Yikiko Tsunoda

- Public Lecture, Gender Studies and Legal Studies (with translation)

Friday, July 11, 1997, 3:30 to 5:00 p.m., Bunkyoikugakubu (Letters & Education Building No. 1), Ochanomizu University

Prof. Nobuyoshi Tostitani, Director of IGS, Ochanomizu University
Prof. Frances Olsen

- Summer Workshop, Academic Sexual Harassment: Combatting Sexual Exploitation in Academic Institutions

July 24 - July 25, 1997, IGS, Ochanomizu University, 10:00-17:00

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