

## Law and Economy at Century's End

This week we close out Unit 5 of the course, “Changing Tides: Gender and Sexuality as Battlegrounds.” Last week we examined opposition to the expansion of gender and sexual expression and identities in the 1960s and 1970s, focusing on cultural “backlash” to feminism, the failure of attempts to legislate gender equality, and rising repression during the HIV/AIDS epidemic during the 1980s and 1990s.

This week we examine legal and economic trends at the end of the twentieth century and the beginning of the twenty-first. This period witnessed a massive shift in American thinking about sexuality and its regulation. Decades of social and legal activism finally bore fruit during this era, leading to the decriminalization of sodomy and the passage of laws guaranteeing marriage rights to same-sex couples. As the Chauncey and Mintz readings assigned this week make clear, the efforts of historians were crucial in these legal battles.

These early twenty-first-century triumphs were offset, however, by a stalling, or even reversal, of progress in efforts to improve the lives of women. The continuing feminization of poverty, a persistent wage gap between female and male earners, and dwindling access to contraception and abortion for women living in many parts of the nation combined with what the feminist philosopher Nancy Fraser calls a “crisis of care,” a general breakdown of social reproduction – society’s ability to ensure care for its members. As Fraser describes, the burden of this crisis has largely fallen on women in the US and abroad, though its impacts can be felt by all.

How can we make sense of the diverging fortunes of queer activism and feminist/women’s movements at the start of the twenty-first century? Do you think these trends may be changing today? If so, how and why?

### Assigned Materials

- George Chauncey, “What Gay Studies Taught the Court: The Historians Amicus Brief in *Lawrence v. Texas*” *GLQ* 10:3 (2024) pp 509-538.
- Steven Mintz, “The Role of History in the Supreme Court Decision on Gay Marriage,” *Inside Higher Ed* (July 2013) 1-3.
- Nancy Fraser, “Contradictions of Capital and Care,” *New Left Review* 100 (July Aug 2016) pp. 99-117.

### Key Themes for the Week

1. **The Role of History:** Historians and historical analysis played an important role in shaping the law, especially in cases relating to sexuality – a development Chauncey and Mintz emphasize in their articles. Beyond the courts, history has mattered in myriad ways throughout the twentieth and twenty-first centuries. Most crucially, it has served as a tool for those who have worked to resist, reject, and reform institutionalized heterosexuality and mainstream configurations of gendered power. How would you characterize the changing role of history in these efforts? Or in other words... how have the uses of history changed? Why do you think history matters?
2. **The Role of Capitalism:** Fraser is a philosopher and political theorist who has written extensively about capitalism and social justice. Much of her recent work focuses on social reproduction (raising children, maintaining households, caring for the young/sick/old), which she sees as necessary for capitalism to function, but also endangered by capitalism itself. How does her brief sketch of historical “regimes of capitalism” fit with the history of gender and sexuality we have learned this semester? This is a challenging read, but try to come up with at least one “take-away” idea to discuss in class.

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