

Assignment Cover and Feedback Sheet

Module code & title: _____

Registration Number

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You can find this on [LEAP](#) or [MyEssex](#)

Assessment Information

Word Count

This excludes footnotes/endnotes and bibliography.

Declaration:

- I have read and understood the University Regulations on Academic offences.
- I certify that the attached is all my own work and that the word length stated above is accurate

Marking and Feedback

Mark

Penalty

Final Mark

Reason for penalty and marks deduction:

- Please contact Bev Jackson for support with academic writing skills

First Marker _____

If in moderation sample:

Second Marker/Moderator _____

Essay Feedback: Level 6

	Upper 1 st (80+)	1 st (70-79)	2.1 (60-69)	2.2 (50-59)	3 (40-49)	Fail (under 40)
Research	Identifies an extensive range of relevant case law, statutes, academic commentary and policy documents, demonstrating substantial, systematic, in depth research beyond the set material	Identifies a wide range of relevant cases and statutes, academic commentary and policy documents, demonstrating substantial, systematic research beyond the set material.	Identifies a range of relevant cases and statutes, academic commentary and policy documents, with evidence of research beyond the set material.	Identifies essential cases, statutes, academic commentary and policy documents, though there may be minor errors or omissions; attempts research beyond the set material	Identifies some essential cases statutes, academic commentary and policy documents, but with some errors or omissions; generally does not go beyond the set material	Identifies some materials but generally non-essential and/or not authoritative
Evaluation of Sources	Sources are perceptively evaluated for credibility and relevance; weight is given according to sophisticated or critically evaluated criteria	Sources are perceptively evaluated for credibility and relevance, with the wider context presented; weight is given according to clear criteria	Sources are evaluated for credibility and relevance; weight is given according to clear criteria	Sources are evaluated for credibility and relevance, but criteria may sometimes be unclear; sources are sometimes given inappropriate weight	Sources are often evaluated for credibility and relevance, but criteria are often unclear; sources are often given inappropriate weight	Sources are often not evaluated for credibility or relevance; weight is not accorded by clear criteria
Understanding of material	Original, systematic, critical understanding of the material	Sophisticated systematic critical understanding of the material	Systematic critical understanding of the material	Understands essential frameworks and engages critically with the material, though there may be some errors	Understands the essential framework but minimal critical engagement with the material; errors of understanding	No critical engagement; understanding is defective
Argument and structure	A compelling and novel response to, or novel insights into, the question, supported by a clearly structured narrative	A persuasive, very well supported and rigorous argument in response to the question, supported by a clearly structured narrative	A persuasive response to the question, supported by a clear structure	Responds to the question, though some material may not be relevant or relevant material omitted; appropriately structured	May not respond to the question directly though addresses broad topic; some material may not be relevant or relevant material omitted; structure may lack clarity	Significant passages of the work fails to respond to the question; work lacks structure
Language and presentation	Expression is fluent and with flair in formal written English; consistently uses legal and scholarly language; free from errors	Expression is clear and fluent, in formal written English; consistently uses legal and scholarly language; free from errors	Expression is clear and fluent in formal written English; uses legal and scholarly language; occasional errors	Expression is clear and effective in formal written English; uses legal and scholarly language; some errors	Expression is sufficiently clear and effective to communicate, generally in; some use of legal and scholarly language; errors may be frequent	Lack of clarity and/or errors impede(s) communication; legal or scholarly language infrequently used; frequent errors
Referencing and bibliography	Referencing is comprehensive and accurate, in accordance with OSCOLA. Bibliography is of a high standard, with no errors.	All sources are referenced fully and consistently, in OSCOLA. Bibliography is of a high standard, with minimal and minor errors.	All sources are referenced in OSCOLA, with occasional errors. Bibliography is complete and extremely well organised.	All sources are referenced in OSCOLA, but with some errors. Bibliography is complete and well organised.	Most sources are referenced; OSCOLA is followed but with some errors. Bibliography is mostly complete and organised.	Some sources are referenced but with frequent errors in OSCOLA. Bibliography is incomplete.

Problem question Feedback: Level 6

	Upper 1 st (80+)	1 st (70-79)	2.1 (60-69)	2.2 (50-59)	3 (40-49)	Fail (under 40)
Identifying legal issues within the facts	Identifies all key and minor issues; explains their significance with exceptional clarity and connection to wider context where relevant.	Identifies all key and minor issues; explains their significance persuasively and concisely with reference to wider context where relevant.	Identifies all key issues and several minor issues; explains their significance.	Identifies all key issues and may identify some minor issues, but with omissions or errors of understanding.	Identifies most key issues, but with omissions and/or problems of understanding.	Fails to identify several key issues.
Identifying and evaluating relevant law	Meticulous explanation of relevant legal framework; analyses wider legal context, areas of debate and academic literature; produces original interpretation of the law.	Meticulous explanation of relevant legal framework; analyses wider legal context and areas of debate; engages with academic literature where applicable.	Identifies relevant law well; aware of wider legal context and areas of debate; engages with academic literature where applicable.	Identifies relevant law well; aware of wider legal context and areas of debate; occasional minor errors only.	Essential relevant law identified, but with some errors of understanding.	Fails to identify most of the essential legal sources.
Applying the law to the facts	Applies law to produce detailed and highly persuasive conclusion with some originality; explains reasoning extremely well; explores alternative outcomes where applicable making reasoned choices between them.	Applies law to produce detailed and highly persuasive conclusion; explains reasoning well; explores alternative outcomes where applicable, making reasoned choices between them.	Applies law to produce persuasive and comprehensive conclusion; explains reasoning; explains alternative outcomes where applicable.	Applies law to all key issues; draws reasonable conclusions; explains reasoning; identifies alternative outcomes where applicable.	Applies law but only to key issues; some major errors or fails to fully explain reasoning.	Applies law to some key issues; some major errors or fails to provide reasoning.
Structure	Issues addressed by exemplary use of IRAC throughout; flows very well; efficient structure allows for a meticulous answer.	Issues addressed by effective use of IRAC throughout; flows well; efficient structure allows for a mostly meticulous answer.	Issues addressed by effective use of IRAC throughout; efficient structure allows for a concise and detailed answer.	Issues mostly addressed following IRAC; occasionally disorganised, unbalanced or repetitive.	Some attempt to use IRAC, but frequently disorganised, unbalanced or repetitive.	Portions of answer lack any coherent structure; no evidence of planning.
Language and presentation	Expression is fluent and with flair in formal written English; consistently uses legal and scholarly language; free from errors	Expression is clear and fluent, in formal written English; consistently uses legal and scholarly language; free from errors	Expression is clear and fluent in formal written English; uses legal and scholarly language; occasional errors	Expression is clear and effective in formal written English; uses legal and scholarly language; some errors	Expression is sufficiently clear and effective to communicate, generally in; some use of legal and scholarly language; errors may be frequent	Lack of clarity and/or errors impede(s) communication; legal or scholarly language infrequently used; frequent errors
Referencing and bibliography	Referencing is comprehensive and accurate, in accordance with OSCOLA. Bibliography is of a high standard, with no errors.	All sources are referenced fully and consistently, in OSCOLA. Bibliography is of a high standard, with minimal and minor errors.	All sources are referenced in OSCOLA, with occasional errors. Bibliography is complete and extremely well organised.	All sources are referenced in OSCOLA, but with some errors. Bibliography is complete and well organised.	Most sources are referenced; OSCOLA is followed but with some errors. Bibliography is mostly complete and organised.	Some sources are referenced but with frequent errors in OSCOLA. Bibliography is incomplete.

Please note: not all criteria are equally important when awarding a mark. These are the criteria that are used to assess the standard of your work. This guide gives you details of the different areas that are considered when your work is marked and what your work is expected to demonstrate in each degree category. This is a guide rather than a science and not all criteria have the same value.

Overall Comments and Feedback:

Chosen Question

Please type your question in full if you had to choose one out of a list. If there was only one question, it is not necessary to repeat the question here.

4) Critical approaches to law often pay much attention to the law's relationship with power. Choose one particular lens (for example: Feminist, Marxist, CRT) and critically discuss how that lens treats the operation of law and its relation to power using a legal topic discussed in lectures (for example: law and democracy, law and the environment, law and race).

Critical Approach through the Lens of Post-Modern Feminism

Introduction:

As it is rooted in postmodern feminist philosophy, the female lens gives off as a great analytical instrument that not only reveals what goes on within law but also how it interacts with power.¹ This point of view comes from postmodern feminist wave and it makes an accent on the fact that gender as well as race are fluid, contingent because identities in this way also are social constructs, addressing this perspective as intersecting. When the theme of societal and racial laws is applied, this perspective becomes something above regular feminist assumptions sharply conscious of the fact that more lies beneath than may seem on surface value in intersections involving those based upon such different social variables as gender races and classes².

Critical Feminist Analysis of Law and Race: Unraveling Power Dynamics

This would present the study of how law and race function and dynamically interrelate to a postmodern feminist frame work an intricate analysis on how these legal structures manage themselves through some sort of process figuring out powers volatilities. Legal norms and institutions are not inter-neural; they contain historical narratives that get involved in reciprocal influences³. It questions how prejudice infused In law through race and gender bias is engraved into legal frameworks, adding further complication to the analysis by introducing another more sophisticated interpretation of power.

Postmodern feminist scholars subscribe to this point of view and critically analyse the idea about agency, as well as question traditional paradigms associated with feminism that can simplify reality for women of colour. They champion an understanding of agency that is rooted in the intersectional realities of race and gender. It means, this post-modernist feminization lens thus provides a really refined and subtle model to unravel the complicated machinations of power in legal systems that also acknowledges identities as malleable enough together with intersecting constantly during the overall struggle for gender race justice⁴.

¹ Garry A and Pearsall M, *Women, Knowledge, and Reality Explorations in Feminist Philosophy* (Routledge 1997).

² Afshar H and Maynard M, *The Dynamics Of Race And Gender: Some Feminist Interventions*. (Taylor and Francis 2012)

³ Grabham E (ed), *Intersectionality and beyond: Law, Power and the Politics of Location* (Routledge-Cavendish 2009)

⁴ Angelique H, 'Embodying Critical Feminism in Community Psychology: Unraveling the Fabric of Gender and Class' (2012) 40 *Journal of Community Psychology* 77 <<https://onlinelibrary.wiley.com/doi/10.1002/jcop.20488>>

Understanding Intersectionality:

Based on the postmodern feminist literature, these legal feminists read law and power in a complicated manner. Kimberlé Crenshaw and other postmodern feminists advocate intersectionality – a close study of the complicated relationship between gender, race, and social categories⁵. It offers a framework that surpasses theories such as the essentialist one in which women's experiences were reduced since identities are viewed to be socially constructed and intersectional. So, feminist scholars in the sphere of law address gender and racial power systems from an intersectional perspective. In this debate, Bell hooks and Angela Davis have revealed the connection between oppression. It is argued that standard feminist criticisms do not fully understand the different problems women of varied races encounter. Postmodern feminists realize that gender subordination is not even amongst women as their race, class and so on play a role⁶.

Postmodern feminist thinkers condemn legal systems for not addressing the struggles women face on the basis of race. In her most important book, "Black Feminist Thought," Patricia Hill Collins outlines how legal systems could maintain power imbalances by paying no heed to the unique situations that women were faced with. Legal narratives devalue women of color, according to postmodern feminism that critiques these legal narratives and demands a more sophisticated view.⁷ This discourse stresses the need to comprehend how laws strengthen or undermine power relations. Scholars such as Audre Lorde and Chandra Talpade Mohanty emphasize the role of gender and race in power relations. Postmodern feminists demolish the essentialist identity and agency to offer shades.⁸ As Judith Butler discusses, performance problematizes gender norms and expresses the fluidity of identity. Postmodern feminist legal academics argue that knowing fluidity of identity and intersectionality is vital to the understanding of power relations in law⁹.

Analysis of Legal Topics:

Postmodern feminist analysis of the racial profiling in criminal justice demonstrates how power operates at multiple levels. Scholar and social critic bell hooks, Angela Davis are renowned feminist theorists who have scrutinized racism and gender to show how power structures mutually support one another¹⁰. Feminist scholars maintain that postmodern racial profiling reflects a complicated power relationship, one that falls disproportionately on women of color. Kimberlé Crenshaw, who is considered the founder of intersectionality, focuses on gender and race as interconnected. Feminist scholars apply Crenshaw's methodology to demonstrate that women of

⁵ Hesse-Biber SN, *Feminist Research Practice: A Primer* (SAGE Publications, Inc 2014).

⁶ Barnett BM, 'Angela Davis and Women, Race, & Class: A Pioneer in Integrative RGC Studies' (2003) 10 *Race, Gender & Class* 9.

⁷ Garry A and Pearsall M, *Women, Knowledge, and Reality Explorations in Feminist Philosophy* (Routledge 1997).

⁸ Mohanty CT, *Feminism without Borders: Decolonizing Theory, Practicing Solidarity* (Reprint, Zubaan 2006).

⁹ Jenkins J and Finneman T, 'Gender Trouble in the Workplace: Applying Judith Butler's Theory of Performativity to News Organizations' (2018) 18 *Feminist Media Studies* 157.

¹⁰ Smith V, *Not Just Race, Not Just Gender: Black Feminist Readings*. (Taylor and Francis 2013)

color face unique problems within the criminal justice system because of gender and racial inequalities¹¹.

In the discussion of postmodern feminist theory, Patricia Hill Collins' matrix of dominance is important. Collins states that the power structures are interlocking and support themselves, offering different forms of oppression for individuals with several marginalized identities.¹² This concept illustrates how racial profiling intensifies oppression for women of color and contributes to connecting systems. Audre Lorde scrutiny of sexual power provides a unique viewpoint from a postmodern feminist perspective. For Lorde, embracing the erotic beyond its sexual connotations is a re-appropriation of power¹³. Feminist scholars analyze how women of color overcome oppressive power relations within the criminal justice system in the perspective of racial profiling highlighting resistance and resilience.¹⁴

Structural issues are revealed in postmodern feminist analysis of racial profiling. Angela Davis' work around the prison-industrial complex reveals how racial profiling is a system. Davis' study reveals that discrimination in the criminal justice system is a part of power imbalance system¹⁵. Influential thinkers enhance feminist perspectives on other issues related to criminal justice racial profiling. Feminist researchers describe power at various levels through intersectionality, matrix of dominance and erotic.

Challenging Patriarchal Narratives:

On the one hand, challenging patriarchal narratives within legal framework is a principal principle of postmodern feminist legal analysis which extends beyond mere critique of explicit gender bias¹⁶. From the standpoint of modern feminist thinkers like Bell hooks and Gayatri Chakravorty Spivak, this approach views gender as an intersectional concept with race and class¹⁷. Theorists who travel the postmodern feminist wave destroy essentialist representations of identity, understanding that female experience is composed by a network between various social categories. Patriarchal stories criticism makes a stop by reviewing the works of history of creation and legal structures. Angela Davis' work on the racialized and gendered history of incarceration in United State demonstrates how legal structures have continued propagating systemic injustices – One such case Feminist scholars delve into history, rediscovering how laws and institutions always fell behind

¹¹ ZF Robinson (ed), *Handbook of Contemporary Sociological Theory* (Springer 2016).

¹² Mutua AD, *Progressive Black Masculinities* (Routledge 2006)

¹³ Morris MK, 'Audre Lorde: Textual Authority and the Embodied Self' (2002) 23 *Frontiers: A Journal of Women Studies* 168.

¹⁴ Goodkind S, Brinkman BG and Elliott K, 'Redefining Resilience and Reframing Resistance: Empowerment Programming with Black Girls to Address Societal Inequities' (2020) 46 *Behavioral Medicine* 317.

¹⁵ Davis AY and Shaylor C, 'Race, Gender, and the Prison Industrial Complex' (2020) 19 *Meridians* 87.

¹⁶ Kook RB and Harel-Shalev A, 'Patriarchal Norms, Practices and Changing Gendered Power Relations - Narratives of Ultra-Orthodox Women in Israel' (2021) 28 *Gender, Place & Culture* 975.

¹⁷ Orso C <1993>, 'A Pedagogy for Change: Gayatri Spivak and Bell Hooks'

not only women but also certain disadvantaged communities such as Black, Indigenous and Trans gender¹⁸.

Postmodern feminist legal analysis begins with demystification doctrines and institution's power structures this is where the concept of intersectionality by Kimberlé Crenshaw becomes critical. By pointing to the intricate links between diverse forms of subjugation, feminists reveal how legal norms influence disadvantaged groups in a more subtle manner. Esther of Crenshaw's intersectionality model, rooted in post-modernist orientations provides a more sophisticated way to glance how patriarchal discourses suffuse into the legal structures and influence women of color at different levels. Feminist scholars attempt to bring out the fact that most commonly seen as neutral legal norms reinforce existing hierarchies. Theorists including Chandra Talpade Mohanty deconstruct legal doctrines from the perspective of postcolonial feminism and deal with how Western-centric legal narratives impact the world¹⁹. Using this perspective, the analysis will be broadened to encompass marginalized people outside of Western world and offer valuable insights on how legal norms may sustain colonial power dynamics better oppressing women in different cultural settings.

Moreover, postmodern feminisms tend to intersectional analysis that not only challenges the materia of legal doctrines but also of procedures in which legal institutions operate. Audre Lorde's exploration of master's tools and limits they place is relevant here. Later, feminist legal scholars inspired by Lorde's ideas criticize the ways of traditional methodologies of legal institutions and suggest a different approach which is capable to solve needs and concerns of various marginalized people. Contemporary feminist legal scholars actively participate in dismantling power imbalances by focusing on marginalized communities as well. For instance, the writings of Indigenous feminists such as Sarah Deer place emphasis on the need to acknowledge the specific challenges that Indigenous women face within legal systems. Through Indigenous women's stories, feminists undermine Eurocentric prejudices almost inherent in all legal doctrines and favour law options that are based on different realities of all the representatives of this gender²⁰.

Finally, the concept of feminist legal analysis with intersections and postcolonial perspectives creates a complex but powerful theoretical instrument to deconstruct patriarchal narratives in jurisprudence. Viewing legal institutions impact on women – intersections of many social identifiers from the transformative perspective based on a historical background and first hand interaction with some targeted marginalized populations to understand intersectional realities for feminists.

Call for Inclusive Legal Reform:

Today's contemporary Feminist wave literatures reflect various forms of discrimination meted out to women in literature, these multiple forms discrimination against women require a

¹⁸ Firestone S, *The Dialectic of Sex: The Case for Feminist Revolution* (Paperback edition, Verso 2015)

¹⁹ Murty M, 'Chandra Talpade Mohanty and Communication Studies' in Madhavi Murty, *Oxford Research Encyclopedia of Communication* (Oxford University Press 2018)

²⁰ Deer S, 'Decolonizing Rape Law: A Native Feminist Synthesis of Safety and Sovereignty' (2009) 24 *Wicazo Sa Review* 149.

developed legal reform system that deals with them more effectively and at an advanced level. Kimberlé Crenshaw's work on Intersectionality seems to serve as the foundation for feminist advocacy in favour of legal reform. By pointing out the intersecting oppressions women of color face, Crenshaw's framework calls for reform in law that is not easily classified. Feminists assert that the world requires an intersectional strategy to develop criminal justice policies and address racial prejudices as well as gender biases.²¹ Legal reforms that follow feminist demands emphasize dealing with criminal justice policies. Angela Davis is a classic work including particularly her book "Women Race & Class" studies the chronological trend of prejudiced practices in criminal justice. Feminist thinkers use the insights that Davis offers to strive for changes that question structural injustices, including the over-policing and imprisonment of women on colour. Such a call is not for incremental changes but rather a holistic review of policies that do not foster, and maintain intersecting forms of discrimination.

Besides policy change, scholars advocating for legal reforms inspired by the work of Audre Lorde and Patricia Hill Collins also call for anti-discrimination strategies that focus on the specific situation of marginalized groups. These are far more than simple anti-discrimination programs – they recognise the particular issues faced by women of colour. To achieve this, it is not enough for a State to eliminate current discriminatory practices through legal reforms but must put in place measures that upgrade and protect the rights of all women. Inclusivity in the process of making legal decisions is another significant component among those found in feminist legal reforms. Within the context of bell hooks' investigation into feminism and intersectional solidarity, she proposes that hierarchical structures should be transformed within legal institutions²². For feminists, it is crucially important that decision-making bodies become more diverse because in the case of inclusivity there are people with a variety of perspectives whose experiences take into consideration by those who make decisions. Legal conclusions that impact women's lives should be a perspective of the diversity at intersectionalities among race and gender.

As far as the problems of discrimination and inclusivity are concerned, it can be noted that UK government has made some moves toward addressing these issues, however they realise that more can still be done. The Lammy Review conducted by David Lammy MP and commissioned by the UK government evaluates in a critical manner how Black, Asian, and Minority Ethnic individuals are treated in and the results generated from involving them in criminal justice systems²³. While not specifically feminist, the review is compatible with some of the goals of feminism because it tackles racial discrimination and calls for those changes to legislate a fair and inclusive legal system.

Conclusion:

The feminist views on legal reform call for a comprehensive and intersectional approach. Through the insights from renowned feminist writers and scholars, they argue for reforms in criminal justice policies, anti-discrimination approaches as well as inclusiveness within the legal decision-making processes. There is evidence that ongoing work in the UK, such as the Lammy Review, highlights a sense of recognising that there needs to be more examination of intersecting

²¹ Gartner R and McCarthy B (eds), *The Oxford Handbook of Gender, Sex and Crime* (First issued as an Oxford University Press paperback, Oxford University Press 2019)

²² RAGONE GIADA, 'The GMO Authorization Procedure in Eu: Inclusivity, Access to Justice and Participation in Decision-Making' [2019] IRIS Institutional Research Information System - AIR Archivio Istituzionale della Ricerca.

²³ Bridges L, 'Lammy Review: Will It Change Outcomes in the Criminal Justice System?' (2018) 59 *Race & Class* 80.

forms of discrimination within legal structures to better reflect an inclusive and equitable kind of legal system. A feminist perspective offers a critical tool through which law and race can be critically analysed, illustrating the intricate network of power relations. By questioning dominant narratives and promoting progressive reforms, feminist jurists help build greater awareness of the ways in which law can either reinforce or undermine existing power dynamics, especially in relation to race and gender.

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