WOMEN AND THE LAW

DESCRIPTION:
The course is an advanced seminar in public law with a focus on gender, law and society. The course will engage with issues in feminist legal practice and the development of legal theories regarding gender. We will interrogate the relationship between theory and practice and the ways in which feminist jurisprudence has taken shape in the dynamics of this relationship. POLS 114 and 230 recommended.

This course requires that students have access to and consult routinely with the information on the university’s online Desire to Learn (D2L) site; go to online.siu.edu to look at the class. All students must also have an SIU email in order to take this class; go to http://policies.siu.edu/policies.siu.edu to obtain an email.

REQUIRED TEXTS:


Electronic Course pack on D2L.

EVALUATION:
The student’s final grade will be determined as follows:

• Attendance and Participation: 200 points
• Exam #1: 100 points
• Exam #2: 100 points
• Document Based Response Paper #1: 100 points
• Document Based Response Paper #2 (Final): 100 points

GRADING SCALE:
The following grading scale will be used to determine final grades:

• 600-540 points A
• 539-480 points B
• 479-420 points C
• 419-360 points D
ATTENDANCE:
Attendance records will be kept; students should be aware that chronic absences will have a negative effect on final grades and that regular attendance, attention, and participation in class will have a positive effect on assignment and paper performances. Attendance and participation will count for 200 points. Five points will be deducted for each unexcused absence. Therefore, more than eight unexcused absences will result in a failing grade for the attendance portion of the course. To be excused, a student must document the absence. Students absent from classes because of observances of major religious holidays will be excused; however, students must notify the instructor in advance of any such absences. Additionally, the instructor reserves the right to give pop-quizzes. Grades on these quizzes will be factored into the participation grade.

LATE WORK:
Late submission of any assignment will reduce the assignment grade by 10 points per day following the due date. Exceptions may include a mutually agreed arrangement made in advance or bona fide emergency (be prepared to supply documentation.) Problems with your personal computer (such as computer crashes) do not count as emergencies, as students are required to have a “technology backup plan” in place. Please let me know if something significant happens to you during the term that could interfere with your submitting class assignments on time (death in family, loss of job, new baby, etc.). I am more than willing to accommodate an honest emergency.

MOBILE TECHNOLOGY POLICY:
Students may use laptops or tablets to take notes in class, but not for social networking purposes. Furthermore, all cell phones must be silenced and out of sight during class. Violations will be reflected in your participation grade.

DISRUPTIVE BEHAVIOR POLICY:
As with any public forum, the classroom is a shared space where consideration and compassion for others are not negotiable. Therefore, any disruptive behavior, including inappropriate use of laptops, cell phones, MP3 players, magazines, newspapers, food, or drink during class, or chronic tardiness or chronic early departure from seminar, will not be accepted. (Students who have a need to come late or leave early should talk to the instructor.) Students should become familiar with the SIU Student Conduct Code.

ANYONE FOUND TO HAVE COMMITTED PLAGIARISM WILL FAIL THE COURSE.

COURSE SCHEDULE:
Part I: Theoretical Frameworks

Week 1: Feminist Theory and Law:
January 19, 2016-January 22, 2016


**Week 2: The State and the Regulation of Sex and Gender: January 25, 2016-January 29, 2016**


**Week 3: Separation of Church and State: February 1, 2016-February 5, 2016**


**Week 4: Sexual Citizenship and Sexual Rights: February 8, 2016-February 12, 2016**


• Response Paper #1: 100 points

**Part II: Historical Developments of Women and Law**


• Linda K. Kerber, et al., *Women’s America: Refocusing the Past*, excerpts.


• Primary Sources/Case History
  o William Blackstone, Commentaries on the Law of England (264)
  o Declaration of Sentiments

  **Week 6: Women and Social Movements: Abolitionism and Suffrage:**
  February 22, 2016–February 26, 2016
  • Linda K. Kerber, et al., *Women’s America: Refocusing the Past*, excerpts.

  • Primary Sources/Case History
    o Minor v. Happersett
    o Muller v. Oregon
    o Adkins v. Children’s Hospital
    o The Introduction of the Equal Rights Amendment

  **Week 7: Women and Social Movements: The Second Wave:**
  February 29, 2016–March 4, 2016
  • Linda K. Kerber, et al., *Women’s America: Refocusing the Past*, excerpts.

  • Primary Sources/Case History
    o The President’s Commission on the Status of Women
    o Betty Friedan, *The Feminine Mystique*
    o Goesaert v. Cleary
    o Hoyt v. Florida
    o Equal Pay Act
    o Title VII of 1964 Civil Rights Act
    o NOW Bill of Rights

  **Week 8: Women and Social Movements: Backlash**
  March 7, 2016–March 11, 2016
  • Linda K. Kerber, et al., *Women’s America: Refocusing the Past*, excerpts.

  • Primary Sources/Case History
    o 1977 Houston Women’s conference

  • Exam #1: 100 points

  **Spring Break**
  March 12, 2016–March 20, 2016
Part III: Contemporary Issues

Week 9: Women and Family Law:
March 21, 2016-March 25, 2016


- Primary Sources/Case History
  - Pace v. Alabama
  - Tinker v. Colwell
  - Perez v. Sharp
  - Loving v. Virginia
  - In Re Guardianship of Kowalski (April 1986)
  - In Re Guardianship of Kowalski (October 1986)
  - In Re Guardianship of Kowalski (1991)

Week 10: Women and Reproductive Rights:
March 28, 2016-April 1, 2016


- Primary Sources/Case History
  - Griswold v. Connecticut
  - Eisenstadt v. Baird
  - Planned Parenthood v. Casey
  - Stenberg v. Carhart
  - Hill v. Colorado
  - Scheidler v. NOW

Week 11: Women and Sexual Violence:
April 4, 2016-April 8, 2016

Primary Sources/Case History
  o State v. Rusk

Week 12: Women and Education:
April 11, 2016–April 15, 2016


• Judith Baer, Women in American Law: The struggle Toward Equality from the New Deal to the Present (excerpts).

Primary Sources/Case History
  o U.S. v. Virginia
  o Title IX

Exam #2: 100 points

Week 13: Women and Labor:
April 18, 2016–April 22, 2016

• “The Opt-Out Revolution” by Lisa Belkin New York Times 10/26/03

• Vicki Schultz. "Telling Stories about Women and Work: Judicial Interpretations of Sex Segregation in the Workplace in Title VII Cases Raising the Lack of Interest Argument."

Primary Sources/Case History
  o EEOC v. Sears, Roebuck & Co.

Week 14: Working, Pregnancy, Motherhood, and Sex Discrimination:
April 25, 2016–April 29, 2016


Primary Sources/Case History
  o Cleveland Board of Education v. LaFleur
  o UAW v. Johnson Controls
  o California Federal Savings and Loan v. Guerra
  o Family and Medical Leave Act
  o Nevada v. Hibbs
  o Pregnancy Discrimination Act

Week 15: Women in the Legal Profession:
May 2, 2016–May 6, 2016

• Judith Baer, Women in American Law: The Struggle Toward Equality from the New Deal to the Present (excerpts).


**Finals Week**  
**May 9, 2016-May 13, 2016**

• Response Paper #2 (Final): 100 points