

## POLITICAL SCIENCE 462

### Women and the Law

Spring 2002

Professor Judith Baer

TR 11:55 A.M.-1:10 P.M.

Bush Academic West 1015

#### Instructor's Office Hours:

T 1:15-2:15 P.M. WR 10-11 A.M.

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#### Course Description:

A study of the legal status of American women from the adoption of the Constitution to the present, through cases, statutes, and other legal materials.

#### Prerequisites:

POLS 206 or approval of department head.

#### Readings:

J.A. Baer, *Women in American Law*, Vol. II (2<sup>nd</sup> ed.) (Baer)

L.F. Goldstein, *Contemporary Cases in Women's Rights* (Goldstein)

P. Smith, ed., *Feminist Jurisprudence* (Smith)

All these books have been ordered by the University Bookstore. The Smith is expensive, so you might want to share copies.

#### Requirements:

1. Prepared, informed participation. I will not automatically lower grades for absences, but I will take attendance. .

2. **One** closed-book essay midterm examination, **Tuesday, February 19, 2002.**

3. **Two** analytical papers, described below, due **Tuesday, March 26,** and **Tuesday, April 30, 2002.**

4. **One** cumulative closed-book final essay examination at the scheduled time, **Friday, May 3, 2002, 3-5 P.M.**

**Weight:** Roughly, participation, 1/6, midterm, 1/6, papers, 1/6 each, final, 1/3. Improvement during the course will be taken into account in difficult decisions.

**Extensions and Makeups:** I allow these only with advance notice, and only in cases of illness or emergency.

## **Students with Disabilities**

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please contact the Department of Student Life, Services for Students with Disabilities in Room 126 of the Koldus Building, or call 845-1637.

## **Course Materials/Copyright Statements**

The handouts used in this course are copyrighted. By “handouts,” I mean all materials generated for this class, which include but are not limited to syllabi, quizzes, exams, lab problems, in-class materials review sheets, and additional problem sets. Because these are copyrighted, you do not have the right to copy the handouts, unless I expressly grant permission.

## **Plagiarism Statement**

As commonly defined, plagiarism consists of passing off as one’s own the ideas, words, writings, etc., which belong to another. In accordance with the definition, you are committing plagiarism if you copy the work of another person and turn it in as your own, even if you should have the permission of the person. Plagiarism is one of the worst academic sins, for the plagiarist destroys the trust among colleagues without which research cannot be safely communicated. If you have any questions regarding plagiarism, please consult the latest issue of the Texas A&M University Student Rules, under the section “Scholastic Dishonesty.”

## **Syllabus:**

### **I. Introduction : Law, Jurisprudence, and Gender (January 15-24)**

#### **A. Law and Gender (January 17)**

Baer, Ch. 1.

Regina Austin, “Sapphire Bound” (Smith, pp. 575-593)

Catharine MacKinnon, “Toward Feminist Jurisprudence” (Smith, pp. 610-619)

#### **B. Introduction to Feminist Jurisprudence (January 22)**

Smith, introductions (pp. 3-25)

Ann Scales, “The Emergence of Feminist Jurisprudence” (Smith, pp. 94-109)

Christine Littleton, “Reconstructing Sexual Equality” (Smith, pp. 110-135)

#### **C. Sameness and Difference (January 24)**

Robin West, “Jurisprudence and Gender” (Smith, pp. 493-530)

Joan Williams, “Deconstructing Gender” (Smith, pp. 531-558)

Nadine Taub and Wendy W. Williams, “Will Equality Require More From the Social Structure?” (Smith, pp. 48-64)

## **II. Women and the Constitution (January 29-February 5)**

### A. Introduction (January 29)

Baer, Ch. 2  
Goldstein, Introduction and Appendices A and B

### B. Gender and Equality (January 31)

Martha Minow, "Justice Engendered" (Smith, pp. 217-243)  
Sylvia Law, "Rethinking Sex and the Constitution" (Smith, pp. 354-383)

### C. The Inclusive Constitution (February 5)

Lynn Henderson, "Legality and Empathy" (Smith, pp. 244-281)  
Judy Scales-Trent, "Black Women and the Constitution" (Smith, pp. 282-297)

## **III. Family Law (February 7-14)**

### A. "Family Values" (February 7)

Baer, Ch. 4, pp. 122-150  
Frances Olson, "The Family and the Market" (Smith, pp. 65-93)

### B. The Family and the State (February 12)

Baer, chapter 4, pp. 150-172  
Goldstein, pp. 178-204

### C. Family Dysfunction and the Law (February 14)

Baer, chapter 4, pp. 136-72 and Chapter 7, pp. 267-76, 284  
Goldstein, *State v. Stewart*, pp. 276-87  
Kathleen Waits, "The Criminal Justice System's Response to Battering" (Smith, pp. 188-209)

**TUESDAY, FEBRUARY 19 (T)**

**MIDTERM EXAM**

## **IV. Procreation and Privacy (February 21-March 7)**

### A. Motherhood and the Law (February 21)

Baer, Ch. 5, pp. 173-95  
Goldstein, pp. 3-32, 166-78

### B. The Future of Reproductive Choice (February 26-28)

Goldstein, pp. 33-75, 96-151  
Baer, Chapter 5, pp. 195-220

C. Issues in Reproductive Rights (March 5-7)

Deborah L. Rhode, "Reproductive Freedom" (Smith, pp. 305-321)

Laurie Nsiah-Jefferson, "Reproductive Laws, Women of Color, and Low-Income Women" (Smith, pp.322-334)

Frances Olson, "Unraveling Compromise" (Smith, pp. 335-53)

**March 11-15 (M-F)**

**SPRING BREAK**

**V. Women and Work (March 19-April 2)**

A. The Old Days (March 19)

Goldstein, pp. 205-10

Baer, Ch. 3, pp. 65-79

**March 21 (R)**

**Walk**

**March 26 (T)**

**First Paper Due**

B. Title VII and After (March 26)

Goldstein, pp. 210-246

Baer, Ch. 3, pp. 79-87, 93-110

C. Sexual Harassment (March 28)

Goldstein, pp. 245-56

Baer, Ch. 3, pp. 87-93

Catharine MacKinnon, "Sexual Harassment: Its First Decade in Court" (Smith, pp. 145-157)

D. Workers and Mothers (April 2)

Baer, Ch. 3, pp. 111-121

Herma Hill Kay, "Equality and Difference: The Case of Pregnancy" (Smith, pp. 27-47)

**VI Women and Education (April 4)**

Baer, Ch. 6

Goldstein, pp. 256-57

**VII. Violence against Women (April 9-16)**

A. Rape (April 9)

Baer, Ch. 7, pp. 258-67

Goldstein, pp.258-76

Susan Estrich, "Real Rape" (Smith, pp.158-87)

B. Pornography (April 11)

Baer, Ch. 7, pp.276-79

Elizabeth Wolgast, "Pornography and the Tyranny of the Majority" (Smith, pp. 431-48)

C. Pornography as Hate Speech (April 16)

Goldstein, pp. 276-98

Andrea Dworkin, "Against the Male Flood" (Smith, pp. 449-66)

Nan Hunter and Sylvia A. Law, "Brief of Feminist Anticensorship Task Force in *American Booksellers Association v. Hudnut*," (Smith, pp.467-82)

**VIII. Women in the Legal System (April 18)**

Baer, Ch. 7, pp. 279-98

**IX. Conclusion (April 21-23)**

Goldstein, Conclusion

Baer, Ch. 8

**April 25 (R) WALK**

**April 30 (T) Last Day of Classes. Redefined Day. "Friday."**

**Dates to Remember:**

February 19 (T)	Midterm Examination
March 21 (R)	Walk
April 25 (R)	Walk
April 30 (T)	Term paper due
May 3 (F)	Final Examination (3-5 P.M.)

**PAPERS**

You must write **two (2)** analytical papers. They must be as long as they need to be to answer the question you pose. Papers less than five or more than twelve pages long will be regarded with suspicion. All papers must be typed or computer-generated, double-spaced, and printed on one side of the paper only.

In each paper, focus on **one** of the relevant assigned readings. Identify the worst error you think the author makes (factual? logical? moral? That's up to you) and support your argument as strongly as you can. In other words, pick the essay that annoyed you the most (I'm sure something will), explain what you thought was wrong with it, and make your case. Be careful not to blame the author for something he or she could not have known at the time the piece was written. However, you are free to suggest that subsequent events have cast doubt on the author's argument.

You may write on any reading you wish, but you may **not** write on the same selection or issue more than once.

**Criteria for grading** (in no particular order):

1. Ability to identify important readings and issues.
2. Ability to reason independently, as demonstrated by attention to readings not adequately covered in class.
3. Ability to reason effectively.
4. Clarity, logic, and organization.
5. Syntax, grammar, and spelling.
6. Grasp of the relevant course material.

The papers are due **Tuesday, March 26** and **Tuesday, April 30**.