SOC/WNS 387: Gender, Law and Society (3)
Fall 2009

Class Times: TTh 9:30-10:45
Class Location: Evans 123
Professor: Carrie Baker
Email: cbaker@berry.edu

Office Location: Evans 131
Office Hours: M, W 10-3 or by appt.
Office Phone: 706-290-2169

Goals of the Course:

1. To understand the legal status of women in the United States historically and today in the areas of employment, education, reproduction, sexuality, the family, and violence against women;
2. To analyze how ideas about gender have affected the development of the law and how the law has shaped societal ideas about gender;
3. To introduce students to how feminists have tried to reform the law in a variety of areas;
4. To examine how inequalities based on race, class, and sexuality shape the law;
5. To discuss and debate contemporary policy and future directions;
6. To learn to read and analyze legal cases and legal arguments; and
7. To complete a research project and teach your peers about the topic of your research.

Course Texts:

1. Lindgren et al., *The Law of Sex Discrimination*, 3rd Ed. (Wadsworth, 2005) (copy on reserve).
2. Reserve readings (RR) are available at Memory Library behind the circulation desk or on electronic reserve. I have also provided hyperlinks in the syllabus when available. An electronic copy of the syllabus is available on the Viking Web.

Course Requirements:

1. **Participation** (20%): Preparation, prompt attendance at all class meetings, and active participation in class discussions are required. You are expected to attend every session, read the assignments for the day in advance, prepare to discuss the assignments, and participate in class discussion. *Readings are to be completed by the date they listed in the syllabus.* The class participation grade will be based on attendance and your contributions to class discussion.
2. **Midterm** (20%): An in-class test on October 8 will evaluate your understanding of key terms, concepts, and theories, as well as your ability to apply this knowledge.
3. **Research Paper & Presentation** (30%): You will write a 6-8 page paper (typed, double-spaced, with one-inch margins) exploring an issue related to the course. A short description of your topic and an annotated bibliography with at least five sources is due on October 22. Papers are due on December 1. There will be no extensions. If you would like feedback on a draft of your paper, please turn it in to me by November 12 (drafts are not required). You will give a short presentation about your paper to the class on December 1.
4. **Final Exam** (30%): The final exam will consist of two parts. The first part will cover the second half of the semester and will evaluate your understanding of key terms, concepts, and theories, as well as your ability to apply this knowledge. The second part of the exam will consist of essay questions addressing the broader themes of the course.

Course Evaluation: Grading for this course will be based on successful completion of the required assignments. Final grades will be based on a 1000 point scale in the following manner: A = 934-1000; A- = 900-933; B+ = 867-899; B = 834-866; B- = 800-833; C+ = 767-799; C = 734-766; C- = 700-733 with the following possible points per assignment:

Class Participation	= 200 points
Midterm	= 200 points
Research Paper & Poster Presentation	= 300 points
Final Exam	= 300 points

Attendance Policy: Regular, punctual attendance is necessary to achieve a passing grade in this course. You will sign the class role at the beginning of class each day. Anyone missing more than two class meetings without a medical, athletic, or academic excuse is subject to having points deducted from their the final grade in the class. If you miss a class, you are fully responsible for finding out about and making up whatever you missed.

Academic Integrity: Students should abide by Berry College's policy on academic integrity at all times (see *College Catalog*, pp. 27-28).

Accommodation Statement: Students with disabilities who believe that they may need accommodation in this course are encouraged to contact the Academic Support Center in Krannert Room 301 (ext. 4080) as soon as possible to ensure that such accommodations are implemented in a timely fashion.

Schedule of Classes

Please note: The syllabus is subject to change, with notice.

August 25 Greetings and Course Overview

I. Constitutional Equality

August 27 The Patriarchal Tradition & Early Challenges
The Law of Sex Discrimination: 1-25; 425-438

September 1 Justifying Differential Treatment
The Law of Sex Discrimination: 25-41

September 3 Equal Protection Analysis
The Law of Sex Discrimination: 42-71

September 8 The Equal Rights Amendment
The Law of Sex Discrimination: 71-78
Mansbridge, *Why We Lost the ERA* (RR)
Convention on the Elimination of All Forms of Discrimination Against Women (RR or link).

II. Equal Employment Opportunity

September 10 Employment Discrimination
New York Times Help Wanted Ads Exercise (Viking Web)
Featherstone, *Selling Women Short* (excerpts) (RR)

September 15 Title VII of the Civil Rights Act of 1964; Disparate Treatment Discrimination
The Law of Sex Discrimination: 79-104

September 17 Disparate Impact Discrimination; Sex as Bona Fide Occupational Qualification
The Law of Sex Discrimination: 104-132

September 22 Sexual Harassment in Employment
The Law of Sex Discrimination: 133-161

September 24 Pregnancy/Caregiver Discrimination; Family Medical Leave Act
MacKinnon, *Sex Equality*, "Pregnancy," pp. 385-417 (RR)
EEOC Guidance on Caregiver Discrimination (RR or link)

September 29 Pay Equity, Affirmative Action, and the Glass Ceiling
The Law of Sex Discrimination: 161-188

III. Equal Educational Opportunity

October 1 Single Sex Schools
The Law of Sex Discrimination: 189-206

October 6 Athletic Opportunity
The Law of Sex Discrimination: 206-224

October 8 Midterm

October 13 Fall Break

IV. Reproduction

October 15 Contraception and Abortion
The Law of Sex Discrimination: 303-331

October 20 Poor Women, Young Women, and Reproductive Choice
The Law of Sex Discrimination: 331-334
Harris v. McRae, 448 U.S. 297 (1980) (RR or link)
Belloti v. Baird, 443 U.S. 622, 642 (1979) (RR or link)

October 22 Reproductive Technologies

The Law of Sex Discrimination: 334-359
Alex Kuczynski, "Her Body, My Baby," *New York Times*, 11/08/08 (Viking Web or link)
Amelia Gentleman, "India Nurtures Business of Surrogate Motherhood," *New York Times*, 3/10/08 (Viking Web or link)
Topic Description and Annotated Bibliography Due

October 27 Bodily Integrity
Cynthia R. Daniels, *Bodily Integrity and Forced Medical Treatment* (RR)
State v. McKnight, Op. No. 25585 (SC Supreme Court 2003) (RR or link)

V. The Family

October 29 Traditional Marriage & Divorce
The Law of Sex Discrimination: 236-249; 257-260

November 3 Same-Sex Marriage
The Law of Sex Discrimination: 296-301
Kerrigan v. Comm'r of Public Health (SC 17717) (2008) (RR or link)

November 5 Child Custody and Adoption
The Law of Sex Discrimination: 260-290

VI. Violence Against Women

November 10 Sexual Assault
The Law of Sex Discrimination: 360-384
"The Rape" of Mr. Smith (RR or link)

November 12 Intimate Partner Violence and Human Rights
The Law of Sex Discrimination: 249-257
Castle Rock v. Gonzalez, 04-278 (U.S. 2005) (RR or link)

November 17 Violence Against Women Act and Stalking Laws
The Law of Sex Discrimination: 384-391
Irene Weiser, *The Relationship Between Reproductive Rights and Violence Against Women* (Viking Web or link)
Legal Momentum, *Employment Rights for Victims of Domestic or Sexual Assault* (RR or link)
Review website for the National Center for Victims of Crime Stalking Resource Center (RR or link)

November 19 U.S. Asylum for Immigrant Women Fleeing Violence
Fauziya Kassindja, *Do They Hear You When You Cry* (excerpts) (RR)

November 24 Alternatives to the Criminal Justice System

Russo & Spatz, *Communities Engaged in Resisting Violence* (RR or link)

November 26 Thanksgiving Break

Conclusions

December 1 Paper Presentations
Research Papers Due

December 3 Final Wrap Up

December 11 Final Exam, 8 a.m.-10 a.m.