

**POLS 235/WGST 235
GENDER AND LAW
FALL SEMESTER 2009**

Class Schedule: 10:00 – 11:15 T, Th
Classroom: 523 Old Mill

Instructor: Professor Lisa M. Holmes
Office: 540 Old Mill
Office Hours: 2:30 – 4:00 T, Th or by appointment
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Webpage: <http://www.uvm.edu/~lmholmes> (Copies of the syllabus and assignments and other important information can be found here.)

COURSE INTRODUCTION

The main focus of this course centers on the ways in which law and gender interact in American society. Throughout our history, American law has both affected and reflected societal gender norms in virtually every aspect of life from birth through death. Your family life, work experience, economic well-being, and personal behavior are all constrained by law in American society, typically in ways that take gender as an important component in how law is created and defined. The issues we will discuss this semester, therefore, should be of interest to all students of American government, and as well are relevant to the lives of all people in American society.

As a seminar, each student in this class shares in the responsibility of determining the success or failure of the course. You are responsible for completing the assigned readings before class. You are responsible for contributing in a meaningful way in each class session. You are responsible for supporting your point of view or contradicting another's view in substantive yet constructive ways. You are responsible for engaging in an in-depth research project associated with the course topic and presenting your research to the class. I am responsible for developing the syllabus and determining which topics and readings we will cover. I am responsible for keeping the discussion moving and allowing every student the opportunity to participate. I am responsible for keeping us (as much as is desirable) on schedule. I am responsible for clarifying and expanding upon complicated course material. And I, of course, am responsible for evaluating each student's academic performance in the course. I am not responsible, however, for lecturing or summarizing class readings on a daily basis. Think of it this way - the Political Science Department at UVM has a high student to faculty ratio and virtually all of our classes fill quickly. If we wanted to turn seminars into lecture classes with many more students, we could. We don't because doing so would lose the benefits that come with being in a smaller class comprised of juniors and seniors who are all (presumably) interested in the seminar topic. At the end of the semester, my evaluation of your performance in the course will be based on how well you hold up your end of this bargain, as I assume your evaluation of me will be based on similar factors.

Note that this course is cross-listed within both the Political Science and Women's and Gender Studies Departments. The course will be taught from a political science perspective, but many of the course readings take a decidedly feminist approach. In many class sessions, we will be discussing legal decisions and arguments, but we will also be focusing attention on social science perspectives and theoretical approaches to the topics covered. In addition, we will be analyzing and critiquing the legal decisions read for class as well as the feminist approaches taken by many of the authors read during the semester.

REQUIRED COURSE READINGS

Required Texts (available for purchase at the University Bookstore):

- Baer, Judith A., and Leslie Friedman Goldstein. 2006. *The Constitutional and Legal Rights of Women: Cases in Law and Social Change*. 3rd edition. Los Angeles: Roxbury Publishing Company. (ISBN: 1-933220-22-8)
- Currah, Paisley, Richard M. Juang, and Shannon Price Minter, eds. 2006. *Transgender Rights*. Minneapolis: University of Minnesota Press. (ISBN: 978-0-8166-4312-7)
- Gerstmann, Evan. 1999. *The Constitutional Underclass: Gays, Lesbians, and the Failure of Class-Based Equal Protection*. Chicago: University of Chicago Press. (ISBN: 0-226-28860-9)

Other Required Readings

- A number of additional required readings have been assigned for the semester. These readings will be e-mailed to the class as pdf files. You are responsible for making sure that your uvm email address is up to date, that your in-box doesn't become full, and that you will have the ability to access and print these e-mailed articles. These readings are listed in the course schedule as "e-mailed reading." I recommend that you create a course folder to store these emailed articles.
- Further readings may be assigned as the semester progresses. These will be e-mailed to you or handed out in class.

COURSE REQUIREMENTS

Class Participation: As a seminar, meaningful class participation is an essential component of this course. *Students are expected to attend all classes prepared to discuss the readings assigned each day.* As such, the **quality** of your class participation (defined as regular, meaningful contributions to class discussion with knowledge and understanding of the assigned readings) constitutes a large portion of your final grade. Since you cannot participate if you are not in class, attendance will be incorporated as part of this grade component. From time to time, students may be expected to write short essays (either in-class or take-home) on the readings. These activities will as well be incorporated into the participation component of your grade. (30% of final grade)

Semester Research Project: Each student will be required to develop an independent research paper for this course in lieu of a final exam. Papers will be due **BY 11 AM ON TUESDAY, DECEMBER 15TH** (the end of the scheduled final exam period for the course.) We will talk in class about this assignment soon. (30% of final grade)

Class Presentation: The last few class sessions of the semester are being reserved for student presentations on their individual research project. Each student will need to prepare a presentation (of approximately 10-12 minutes), which includes a question and answer period. (10% of final grade)

Discussion Leader and Short Paper Assignments: Each student will be required to sign up for **THREE** class sessions where the student will act as a discussion leader who will be responsible for leading class discussion on particular readings for that day. In preparation for this, each discussion leader will write a short paper on the assigned reading. You are expected to submit your short paper in class on the day you are discussion leader. Late papers will be docked one-half letter grade for each 24 hour period (or fraction thereof) that the paper is late. No variation on the computer/printer/hard drive catastrophe excuse will be accepted. You should keep adequate backups of all written work to prevent such a problem. I will only accept paper copies of these written assignments - **I will not accept emailed versions**. A sign-up sheet for the first section of the course will be provided soon. (Each discussion leader/short paper worth 10% of final grade - total of 30%).

A Note on Grading Policy:

An “A” grade given on any assignment or as a final cumulative grade signifies “excellent” work (reserved for those students who have not only demonstrated an excellent understanding of the course material, but who have also shown an excellent ability to analyze the material). A “B” signifies “good” work (a “good” understanding of and ability to analyze the material). A “C” signifies “satisfactory” work (a “satisfactory” understanding of and ability to analyze the material). A “D” signifies “passing” work (a “passing” understanding of and ability to analyze the material). An “F” signifies “failing” work (an inability to understand *or* analyze the material).

ACADEMIC HONESTY

Students are, of course, expected to do their own work on all assignments in this class. University standards regarding academic honesty apply throughout the semester. Please see the official university policy at: <http://www.uvm.edu/~uvmppg/ppg/student/acadintegrity.pdf>

CLASSROOM PROTOCOL

The Department of Political Science requires that this class room protocol, defining minimum standards of conduct, be included in all syllabi of political science classes.

1. Students are expected to attend and be prepared for ALL regularly scheduled classes.
2. Students are expected to arrive on time and stay in class until the class period ends. If a student knows in advance that s/he will need to leave early, s/he should notify the instructor before the class period begins.
3. Students are expected to treat faculty and fellow students with respect. For example, students must not disrupt class by leaving and reentering during class, must not distract class by making noise, and must be attentive to comments being made by the instructors and by peers.

In addition to the above minimum standards, the following standards will apply throughout the semester:

1. If you are a member of a sports team or a UVM organization that requires travel out of town, you must provide me with your schedule as soon as it becomes available. Until I receive your official schedule, no accommodation will be made concerning your class attendance or exam dates due to team travel.
2. Students have the right to practice the religion of their choice. Students with religious observation needs must submit to me in writing their documented religious holiday schedule for the semester by the end of the second full week of classes.
3. If you have a physical or learning disability, please provide me with the relevant paperwork from the ACCESS office by the end of the second full week of classes so we can discuss any relevant accommodations. Discussing these issues early in the semester is necessary to develop a plan that is workable for you and for me. Also, note that I may not be able to accommodate last-minute requests. If your accommodation needs change during the semester, you must inform me of any such changes immediately.
4. All cell phones, iPods, BlackBerries, and other electronic devices **must be turned off and stowed away** for the duration of *each* class session. Any use of these devices in class is distracting and will not be tolerated. Computers are allowed for use in class, **but only for note-taking purposes** (although, to be honest, I doubt this is necessary or even advisable in a seminar setting). I reserve the right to reduce the final grade of any student who misuses electronic devices in class.

COURSE SCHEDULE

Note that we will not always follow the Baer and Goldstein or the Currah et al. books in order, and that we will be skipping sections of both books regularly throughout the semester. Please pay particular attention to the specific articles and page numbers assigned. We will keep to this schedule as much as is possible and desirable, but each student should pay attention to in-class announcements on daily reading assignments and any potential changes to this schedule. Specific readings may be added or deleted as necessary throughout the semester.

Sept. 1 Course Introduction, Quick Primer on the American Judicial System
- Baer and Goldstein: p. 1-10
- *Recommended readings: An Introduction to the U.S. Constitution (emailed)*
Understanding the U.S. Supreme Court (esp. p. 13-25) (emailed)

Sept. 3 Class cancelled – I will be attending the APSA conference in Toronto, ON

PART I: POLITICAL RIGHTS, EQUALITY, AND DIFFERENCE

Sept. 8 Equality and Difference
- E-mailed Reading: Minow, “The Dilemma of Difference”
- Currah et al.: Introduction and Ch. 12

Sept. 10, 15, 17, 22, 24 The 14th Amendment Equal Protection Clause and Difference
- Baer and Goldstein: p. 46-95
p. 128-134
- Gerstmann: All
- Currah et al.: Ch. 3

PART II: THE PRIVATE SPHERE

Sept. 29, Oct. 1 Same-Sex Marriage, Civil Unions, and the Aftermath
- Baer and Goldstein: p. 241-264
- Currah: Ch. 15
- E-mailed Readings: Andersen, “Afterward: The Courts and Social Change”
Gutierrez, “Gay Marriage in Canada” (esp. pg. 207-214)
“The Vermont Guide to Civil Unions”

Oct. 6 Marriage Law and Divorce Law
- Baer and Goldstein: p. 264-282
- E-mailed Reading: Perry, Twila, “Alimony: Race, Privilege, and Dependency ...”

Oct. 8, 13 Child Support and Child Custody
- Baer and Goldstein: p. 282-328
- E-mailed Readings: Becker, “Maternal Feelings”
Miller-Jenkins v. Miller-Jenkins (Supreme Court of Vermont)
Miller-Jenkins v. Miller-Jenkins (Ct. of Appeals of Virginia)

Additional Resources:

Court cases, law review articles, and other academic and research sources are widely available on-line. The following web sites offer access to a wide variety of useful research materials:

Court opinions and other law-related materials:

<http://www.law.cornell.edu/>

<http://www.supremecourtus.gov/>

<http://www.findlaw.com/casecode/supreme.html>

<http://docket.medill.northwestern.edu/>

<http://web.lexis-nexis.com/universe> (use the link to “Legal Research”)

Additional academic and legal sources:

Lexis/Nexis, JSTOR, and Westlaw can all be accessed through the University of Vermont Libraries Page:

<http://library.uvm.edu/research/index.php?tab=iref&mode=subjects&subject=general>

Law and gender related websites:

Lambda Legal: <http://www.lambdalegal.org/>

Transgender Law and Policy Institute: <http://www.transgenderlaw.org/>

Human Rights Campaign: <http://www.hrc.org/>

Sylvia Rivera Law Project: <http://www.srlp.org/>

Academic journals focusing on law and gender related issues (among others):

Law & Sexuality

The Georgetown Journal of Gender and the Law

Journal of Gender, Race, and Justice

American University Journal of Gender, Social Policy, and the Law

Cardozo Women’s Law Journal

Journal of Women, Politics, and Policy