

**POLS 235/GSWs 258
GENDER AND LAW
FALL SEMESTER 2014**

Class Schedule:	1:00 – 2:15 T, Th
Classroom:	A500 Old Mill Annex (aka Jost Conference Room)
Instructor:	Professor Lisa M. Holmes
Office:	540 Old Mill
Office Hours:	2:30 – 4:00 Tuesday and Thursday, or by appointment
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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, defined, or implemented. 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 outside-of-class team 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 Gender, Sexuality, and Women's Studies programs. 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 Text (available for purchase at the University Bookstore and on two-hour reserve at the library):

- Katharine T. Bartlett, Deborah L. Rhode, Joanna L. Grossman, and Samantha L. Buchalter. 2014. *Gender, Law, & Policy*. 2nd edition. Wolters Kluwer, Aspen College Series. ISBN: 978-1-4548-4128-9.

Other Required Readings

- A number of additional required readings have been assigned for the semester. These readings will be available on Blackboard.
- Further readings may and most likely will be assigned as the semester progresses. These will be placed on Blackboard or handed out in class.
- I recommend that you bring the assigned reading to class with you each day.

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. Although I hope to avoid giving “pop” quizzes on the reading in this class, such assignments may be incorporated into the participation grade component of the course as needed during the semester. (35% of final grade)

Team Project/Paper: Each student will be required to work on small team (hopefully two-person only) to research and write an independent paper on a (very) contemporary legal issue. A separate handout on this assignment will be circulated soon. A single paper for each team will be due **at the beginning of class on Tuesday, November 11th**. We will talk in class about this assignment soon. (25% of final grade)

Class Presentation: In lieu of a final exam, we will be using that period of time (**Friday, December 5th from 10:30 – 1:15**) to have each student present their team project/paper. Information on this will be circulated soon, but the expectation is that each student will give part of their team’s presentation. (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 write a short paper on the day’s assigned reading. In addition, the expectation is that the student will be especially prepared to assist in discussing that day’s reading. More information on these short papers and a sign-up sheet for the first round of papers will be provided soon. (Each short paper/discussion leader session is worth 10% of your final grade – for a total of 30% of the final grade).

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. For the team and short paper assignments, late papers will be docked ½ letter grade for each 24 hour period (or fraction thereof) that the paper is late. So, a paper that would normally earn a B (an 85), would be dropped to an 80 if it is turned in up to 24 hours late, a 75 if turned in between 24 and 48 hours late, etc. Weekends and holidays ARE incorporated into this calculation. 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 (not emailed versions), but if some sort of emergency prevents you from getting to campus to hand in your assignment on time, you may email it to me and then bring in a paper copy as soon as possible.
2. 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.
3. 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.
4. 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. The ACCESS office has started an on-line system of ACCESS letter notification. If you expect ACCESS accommodations, I require that you talk with me in person, rather than expect that I will automatically put into motion all of the accommodations in your letter.
5. 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 online reading materials access and note-taking purposes*** (although, to be honest, I doubt taking notes on a laptop is necessary or even advisable in a seminar setting). I reserve the right to reduce the final grade of and/or ban laptops for any student who misuses electronic devices in class.
6. As per University policy: "The uvm.edu e-mail address that has been issued to you is the official means by which the University will communicate with you (during academic sessions and break periods). You are responsible for checking e-mail (from the University) sent to your University e-mail address."

COURSE SCHEDULE

Note that we will not always follow the **Bartlett et al.** book in order and that we will be skipping sections of this book 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.

Aug. 26 Course Introduction, Quick Primer on the American Judicial System
 - Blackboard: Understanding Federal and State Courts

Aug . 28 Class cancelled – I will be attending the APSA conference in Washington, D.C.

PART I: POLITICAL RIGHTS, EQUALITY, AND DIFFERENCE

Sept. 2, 4	Equality and Difference	
	- Bartlett et al.:	p. 449-462
		p. 685-729
	- Blackboard:	Minow, "The Dilemma of Difference"
		Greenberg, "Intersexuality and the Law, Chapters 1 and 2"

Sept. 9, 11, 16 The 14th Amendment Equal Protection Clause and Difference
 - Bartlett et al.: p. 1-50
 - Blackboard: Gerstmann, “The Constitutional Underclass, Chapters 1-3”

PART II: THE PUBLIC SPHERE

Sept. 18, 23, 25 The Workplace, Pay, and Title VII
 - Bartlett et al.: p. 50-168
 p. 413-425

Sept. 30 Workplace Treatment: Similarity and Difference
 - Bartlett et al.: p. 168-204

Oct. 2	Sexual Harassment	
	- Bartlett et al.:	p. 291-321
	- Blackboard:	Perry et al., "The Reasonable Woman Standard"

Oct. 7	Education	
	- Bartlett et al.:	p. 204-240
		p. 321-329

PART III: PERSONAL AUTONOMY

Oct. 9, 14	Sex and Consent	
	- Bartlett et al.:	p. 521-564
	- Blackboard:	Crenshaw, "The Intersection of Race and Gender in Rape Law"
Oct. 16, 21, 23	Pregnancy and Autonomy	
	- Bartlett et al.:	p. 581-665
Oct. 28	Domestic Violence	
	- Bartlett et al.:	p. 329-369
Oct. 30	Pornography and Prostitution	
	- Bartlett et al.:	p. 370-385
		p. 564-581

PART IV: THE PRIVATE SPHERE

Nov. 4, 6	Same-Sex Marriage	
	- Bartlett et al.:	p. 385-406
	- Blackboard:	Vermont Freedom to Marry FAQ for Couples Who Want to Marry <i>Goodridge v. Commissioner of Public Health</i> (Mass. 2003)

TUESDAY, NOVEMBER 11

TEAM PAPERS DUE AT THE BEGINNING OF CLASS

Nov. 11, 13	Marriage Law and Divorce Law	
	- Bartlett et al.:	p. 240-256
		p. 462-475
	- Blackboard:	Andersen, "The Gay Divorcee"

November 25, 27 Thanksgiving Break

Nov. 18, 20, Dec. 2	Parenting and Child Custody	
	- Bartlett et al.:	p. 256-289
		p. 406-413
	- Blackboard:	Becker, "Maternal Feelings" <i>Miller-Jenkins v. Miller-Jenkins</i> (Supreme Court of Vermont) <i>Miller-Jenkins v. Miller-Jenkins</i> (Ct. of Appeals of Virginia)

*****FRIDAY, DECEMBER 5TH FROM 10:30 – 1:15: IN-CLASS PRESENTATIONS*****

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://web.lexis-nexis.com/universe> (use the link to “Look Up Legal Cases”)

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