

Political Science 514
Fall 2001
M. Baum

Office: 2026 Derby Hall
Hours: Mon 4:00 to 5:00, Thurs 1:30 to 3:00
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WOMEN AND THE LAW

This course examines law and legal issues concerning women. We will consider this field of law both for its own importance and as a means to illuminate the workings of government and politics. The course material will focus on three issues: the content of major legal rules that affect women today and the development of those rules over time; the forces that have helped to determine the content of those legal rules; and the impact of those rules on the situation of women and on society generally.

The course begins with a short introductory section dealing with policy and politics on women's issues. A second section focuses on constitutional principles of equality. The remainder of the course examines several specific categories of law affecting women. The topics and subtopics are listed below, first with the readings on each subtopic and then with the tentative schedule for the classes on each subtopic.

The required readings are contained primarily in two books, each available at the Student Book Exchange, and a course packet, available at the Cop-Ez center at Tuttle Park Place (near the University Bookstore). The books are:

J. Ralph Lindgren and Nadine Taub, The Law of Sex
Discrimination
Melvin Urofsky, Affirmative Action on Trial

I will also distribute some handouts to be read. Two of them are listed in the schedule of readings that begins on p. 3 of this syllabus.

The Lindgren-Taub book includes a large number of short excerpts from court decisions and other materials. Certain cases in the book (along with the cases in the course packet) are especially important to understand, and I have designated those cases in the schedule of readings. I will give you guidelines on what to emphasize in reading the important cases and other course materials.

Class sessions are in a lecture-discussion format, and class participation is encouraged. Sessions will be used to expand on some of the topics covered in the readings and to take up

additional topics. There is only limited overlap between readings and material presented in class sessions, and careful attention to both is needed to gain a full understanding of the course material.

Grades in the course will be based on three examinations. The first two examinations are scheduled tentatively for October 12th (Friday of the 4th week) and November 5th (Monday of the 8th week). The third examination will be held at 7:30 a.m. on December 4th (Tuesday of finals week). The third examination will be in part a third midterm in part a comprehensive final examination. Graduating seniors will have their third examination on Monday November 26th at 10:00. The first examination will count for 30% of the course grade, the second and third examinations for 35% each.

I will make special arrangements for students who must miss an exam for very good reason, but you must give me a note describing the reasons that you have to miss the exam as well as the times during the week that you could take a makeup exam, and you must obtain my permission to miss the exam prior to the time for the test. If I give you permission to miss an exam, you must check with me on the first class day after the exam to find out the time for the makeup examination, and you must take the examination at the designated time. If you miss an exam without prior permission, ordinarily you will receive a score of zero on that examination. If you have very good reason for missing the examination without prior permission, I will allow you to take the makeup with a penalty of five points for each day after the exam before you notified me (including the day of the exam).

Two special notes: First, to restate the obvious (and with apologies for doing so), no dishonest practices on the exams or in the course as a whole will be acceptable, and any suspected cases of dishonesty will be reported to the university committee on academic misconduct and handled according to university policy. The second note concerns students with disabilities who need special assistance or special arrangements. Please let me know what you need as soon as possible and early enough that it can be provided. Course materials are available in alternative formats upon request; for such materials, please contact M. Wayne DeYoung at 2140 Derby, 292-2880.

Outline of Subjects and Schedule of Readings

1. An Overview of Policy and Politics

A. Historical developments

Readings: Notes on the Legal System (handout)

B. Why the Equal Rights Amendment failed

Readings: Lindgren and Taub, pp. 93-99

2. Constitutional Principles of Equality

A. Exploring legal equality

Readings: Lindgren and Taub, pp. 110-26

B. Interpreting equal protection

Readings: Lindgren and Taub, pp. 28-32, 36-93
Packet, pp. 1-26: Nguyen v. U.S. (2001)

Other important cases:

Frontiero v. Richardson (1973)

Geduldig v. Aiello (1974)

Personnel Administrator v. Feeney (1979)

C. Interpreting equal rights amendments

Readings: Lindgren and Taub, pp. 99-105

3. Education

A. Title IX and its interpretation

Readings: Lindgren and Taub, pp. 264-67, 276-79
Packet, pp. 27-31: U.S. Code, Title 20, Ch. 38
(Title IX)
Packet, pp. 32-34: NCAA v. Smith (1999)

B. Admissions to schools

Readings: Lindgren and Taub, pp. 279-95
Packet, pp. 35-38: United States v. Virginia
(1996)

C. Treatment of students in schools

Readings: Lindgren and Taub, pp. 267-76

D. Athletics

Readings: Lindgren and Taub, pp. 295-314

Important case:

Cohen v. Brown University (1st Cir. 1993)

4. Employment

A. The laws, their background, and their impact

Readings: Lindgren and Taub, pp. 144-47, 227-28
Summary of Employment Laws (handout)

B. Applying Title VII

Readings: Lindgren and Taub, pp. 147-200, 248-63
Urofsky (all)

Packet, pp. 39-41: Reeves v. Sanderson Plumbing Products (2000)

Packet, pp. 42-44: Johnson v. Transportation Agency (1987)

Other important case:

U. A. W. v. Johnson Controls (1991)

C. Issues of pay equity

Readings: Lindgren and Taub, pp. 224-48

Important case:

AFSCME v. Washington (9th Cir. 1985)

D. Sexual harassment

Readings: Lindgren and Taub, pp. 201-23, 314-22
Packet, pp. 45-48: Faragher v. City of Boca Raton (1999)

Packet, pp. 49-51: Gebser v. Lago Vista (1999)

Other important case:

Meritor Savings Bank v. Vinson (1986)

5. Family

A. The law of marriage

Readings: Lindgren and Taub, pp. 326-40

B. Alternatives to marriage

Readings: Lindgren and Taub, pp. 395-413

Packet, pp. 52-74: Baker v. State (Vt. Sup. Ct. 1998)

Other important cases:

Marvin v. Marvin (Calif. Sup. Ct. 1976)

Baehr v. Lewin (Hawaii Sup. Ct. 1993)

C. Divorce and its consequences

Readings: Lindgren and Taub, pp. 353-95

6. AbortionA. Legal developments through Roe v. Wade

Readings: Lindgren and Taub, pp. 414-32

Important case:

Roe v. Wade (1973)

B. Issues in the post-Roe era

Readings: Lindgren and Taub, pp. 432-40

Packet, pp. 75-78: Stenberg v. Carhart
(2000)

Other important case:

Planned Parenthood v. Casey (1992)

Tentative Schedule by Day

September 19	Introduction to the course
September 21	1A Historical developments
September 24	1B Why the Equal Rights Amendment failed
September 26	2A Exploring legal equality
September 28	2B Interpreting equal protection
October 1	2B Interpreting equal protection (cont.)
October 3	2B Interpreting equal protection (cont.)
October 5	2C Interpreting equal rights amendments
October 8	3A Title IX and its interpretation
October 10	3A Title IX and its interpretation (cont.)
October 12	FIRST MIDTERM
October 15	3B Admissions to schools
October 17	3C Treatment of students in schools
October 19	3D Athletics

October 22	4A The laws, their background, and their impact
October 24	4B Applying Title VII
October 26	4B Applying Title VII (cont.)
October 29	4C Issues of pay equity
October 31	4D Sexual harassment
November 5	SECOND MIDTERM
November 7	5A The law of marriage
November 9	5B Alternatives to marriage
November 14	5C Divorce and its consequences
November 16	5C Divorce and its consequences (cont.)
November 19	5C Divorce and its consequences (cont.)
November 21	6A Legal developments through <u>Roe v. Wade</u>
November 26	6B Issues in the post- <u>Roe</u> era
November 28	6B Issues in the post- <u>Roe</u> era (cont.)
November 30	6B Issues in the post- <u>Roe</u> era (cont.)
December 4	FINAL EXAMINATION (7:30 a.m.)