

PSC 336: Women and the Law
Spring 2010
Tuesday & Thursday, 12:30-1:45 pm
Graham 209

Instructors & Office Hours:

Professor Carisa R. Showden Office: 226 Graham Office Hours: Tues. & Thurs: 3:30 – 5:00, and by appointment Phone: 336-256-0515 Email: carisa_showden@uncg.edu	Professor Susan Johnson Office: 233 Graham Office Hours: Tues. & Thurs.: 3:30 – 4:30, and by appointment Phone: 336-256-0512 Email: swjohnso@uncg.edu
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Course Catalog Description:

In “Women and the Law,” students will study the jurisprudence of gender issues, with readings in legal theory and case law. Topics include domestic violence, sexual harassment, employment and pay equity, and marriage and family law.

Student Learning Outcomes:

By the end of the semester, students should be able to:

1. Explain, compare and contrast the equality and difference approaches to feminist jurisprudence;
2. Explain and assess the reasons why women are sometimes treated as a “special” category under the law;
3. Apply basic legal reasoning techniques to case law on specified “women’s issues” in the law;
4. Articulate and defend different legal positions regarding the status of men and women in the laws of marriage, parenthood, reproduction, and employment.

Required Texts:

1. Becker, Mary; Cynthia Grant Bowman, Victoria F. Nourse, and Kimberly A. Yuracko. 2007. *Feminist Jurisprudence: Taking Women Seriously, Cases and Materials*. 3rd edition. St. Paul: West Publishing Group. ISBN: 0-314-16367-0. (Available at the EUC bookstore and Addam’s University Bookstore, Tate Street).
2. Additional Readings on Blackboard/e-reserve.

Course Requirements:

Participation: 10%
2 Class Debates: 10% each; 20% total
1 Analytical Paper (4-5 pages): 15%
5 briefs (best 5 of 6): 15%
In-Class Exam (Unit One): 15%
Final Exam: 25%

Summary of Due Dates:

Exam #1: Tuesday, February 16th
Debate #1: Thursday, March 4th
Paper: Tuesday, April 6th
Debate #2: Tuesday, April 13th
Final Exam: Saturday, May 8th (Noon-3pm)
Briefs: due on the date the case is covered in class.

Late Papers/Briefs and Missed Debates/Exams:

Students are expected to turn papers in on time and be present to take the exams at their scheduled times. Only in extraordinary circumstances will make-up opportunities exist. Students must notify one of us PRIOR to the missed exam or paper/debate with a valid excuse and must be prepared to provide credible evidence (such as a written doctor's note) of the excuse. Excuses for late papers and missed debates and exams after the fact will not be allowed, resulting in a failing grade for the missed paper, debate, and/or exam. **It is the instructors' sole discretion to determine whether or not an excuse is acceptable.**

Make-up exams will be scheduled for the same day, time and place for everyone either during finals week or on Reading Day.

Five (5) case briefs are required to be turned in during the semester. It is up to the student to keep up with the number of briefs turned in and ensure that all five (5) briefs are completed. Case briefs are due the day that the case is assigned, as indicated on the schedule. **Late briefs will not be accepted.**

A Note on Grading in a Co-Taught Course:

In order to divide the grading labor equitably between the instructors, and in order for each of you to feel that you have been assessed fairly in the course, your instructors will share the grading equally. Professor Johnson will grade your case briefs; Professor Showden will grade your paper. Professors Showden and Johnson will each write 50% of the exam questions, and each professor will be responsible for grading the answers to the questions she has written. Together, we will determine your grades for the debates.

Five (5) case briefs are required to be turned in during the semester. It is up to the student to keep up with the number of briefs turned in and ensure that all five (5) briefs are completed. Case briefs are due the day that the case is assigned, as indicated on the schedule. Late briefs will not be accepted. **Briefs are due at the beginning of class. If you are absent, your brief will not be accepted.**

Academic Honor Code:

We expect all students in this course to abide by both the letter and spirit of the university's academic integrity policy. **Violations of the university honor code will be prosecuted.** The full text of the Academic Integrity Policy can be viewed at: <http://www.uncg.edu/reg/Policy/HonorPolicy.html>. Specifically pertinent to this course are the following rules:

1. "Cheating: Intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise."
2. "Plagiarism: Intentionally or knowingly representing the words of another, as one's own in any academic exercise."

Do NOT engage in either cheating or plagiarism. The penalties for both offenses range from the need to re-do assignments to expulsion from the University, depending upon the severity of the cheating or plagiarism offense.

If you have any questions regarding what constitutes either cheating or plagiarism, please see one or both of us *immediately*.

Students with Special Needs:

Students with special needs should contact one or both of the instructors during the first week of class. We will make every effort to accommodate the needs of students with special requirements.

Schedule of Class Meetings and Readings:

Note Well: Minor adjustments to the reading schedule may be made depending on how quickly material is covered or if classes are delayed or cancelled due to weather. Students are responsible for keeping up with any schedule adjustments that are announced in class or on blackboard.

Cases that may be submitted as briefs are listed in bold-faced type. Five (5) briefs must be turned in at the beginning of class (on the date we discuss them) by semester's end.

Unit One: Women and the Constitution: Equality vs. Difference

Tuesday, January 19th: Course Introduction

Thursday, January 21st: Showden: Equality, Difference, and Dominance
pp. 17-25; 101-104; 108-117; 119-122.

Tuesday, January 26th: Johnson: Equal Protection
Reed, Frontiero (on reserve); ***Geduldig*** pp. 29-37

Thursday, January 28th: Showden: Relational and Pragmatic Feminisms
pp. 123-132; 144-147; 149-152.

Tuesday, February 2nd: Johnson: Equal Protection
Craig, Feeney; Rostkler pp. 37-55

Thursday, February 4th: Johnson: Equal Protection
J.E.B. pp. 55-63; *Hogan* pp. 705-708;
U.S. v. Virginia pp. 63-72

Tuesday, February 9th: Showden: Critical Race and Lesbian Feminisms
pp. 160-166; 169-170; 173-181; 190-201.

Thursday, February 11th: Showden: Critical Race and Lesbian Feminisms, continued
Review readings from Feb. 9.

Tuesday, February 16th: EXAM ONE

Unit Two: Violence Against Women

Thursday, February 18th: Showden: Intimate Partner Violence
pp. 203-205; 276-290; 304-316

Tuesday, February 23rd: Johnson: Intimate Partner Violence
Hynson, Brown pp. 297-301; *Dowd* pp. 321-326; VAWA 316-321;
U.S. v. Morrison (reserve).

Thursday, February 25th: Showden: Pornography
pp. 363-385

Tuesday, March 2nd: Johnson – Pornography
Roth, Miller (on reserve), *Hudnut* 391-397.

Thursday, March 4th: **Debate #1: Equality, Difference, and Violence Against Women**

Tuesday, March 9th: SPRING BREAK
Thursday, March 11th: SPRING BREAK

Tuesday, March 16th: Showden & Johnson: Rape
pp. 241-255
Berkowitz pp. 228-235; *Michael M.* pp. 270-274.

Unit Three: Women and Reproduction

Thursday, March 18th: Johnson: Privacy & Abortion
Griswold, Roe and Harris (pp. 418-427; 431-438);
Webster, Casey (pp. 438-451); Notes (pp. 473-475)

Tuesday, March 23rd: Showden: New Reproductive Technologies
“Social Implications of Biological Transformations” by Janet Dolgin (e-reserve)

Thursday, March 25th: Johnson: New Reproductive Technologies
Baby M pp 503-508, *Johnson* pp. 512-514, *Davis* pp. 516-520

Unit Four: Women and Family Law

Tuesday, March 30th: Showden: Marriage and Divorce
pp. 538-555.

Thursday, April 1st: Johnson: *Hewit* pp. 555-557; *Loving* (on reserve); *Goodridge* pp. 572-586

Tuesday, April 6th: Showden: Child Custody
pp. 663-674; 678-682; 693-701.
Analytical Paper Due, beginning of class April 6th.

Thursday, April 8th: Johnson – *Family Medical Leave Act and Alternatives* pp. 599-622;
Nevada v. Hibbs (on reserve); TBA (on reserve)

Tuesday, April 13th: **Debate #2: Marriage, Divorce, and Child Custody**

Unit Five: Women, Education and The Work Place

- Thursday, April 15th: Showden: Sexual Harassment
pp. 792-795; 825-826; 846-855; 876-882; 885-888.
- Tuesday, April 20th: Showden: Sexual Harassment, continued
Review readings from April 15th.
- Thursday, April 22nd: Johnson – Harassment in the Workplace
Troupe pp. 800-804; *Carnegie* pp. 809-812; *Meritor* pp. 826-830;
Harris pp. 834-836; *Oncale* pp. 839-842; *Price Waterhouse* pp. 857-861
- Tuesday, April 27th: Johnson – Harassment in Schools
Gebser pp. 760-764; *Davis* pp. 764-769
- Thursday, April 29th: Johnson/Showden – Semester wrap-up and final exam review
- Saturday, May 8th: Final Exam, Noon - 3:00 p.m.