

Political Science 514
Winter 2011
Mr. Baum

Office: 2026 Derby Hall
Hours: Tues 10:30-11:30, 1:30-5:30
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WOMEN AND THE LAW

This course examines legal issues that are especially relevant to women, issues that range from abortion to employment discrimination. We will consider this set of issues because of their importance in themselves and as a means to illuminate the workings of government and politics. The course material will focus on three aspects of these issues: the content of major legal rules affecting women and the development of those rules over time; the forces that shape those legal rules; and the impact of those rules on the situations of women and on society generally. The course objectives, then, are to learn about the substance of government policies relating to women and to gain a better understanding of the causes and consequences of government policy in general.

Class Format

The course begins with an introductory section on equality as a legal principle. The remainder of the course examines several specific categories of legal policy. The topics and subtopics are listed below, first with the readings on each topic and then with the tentative schedule for the classes on each topic. There might be minor changes in the readings, which I'll announce in class.

The required readings are of three types:

1. Our text is Judith Baer and Leslie Friedman Goldstein, The Constitutional and Legal Rights of Women, 3rd ed. The book is available at the Student Book Exchange and possibly at other bookstores.

2. There are additional legal materials, primarily court decisions, on the Carmen site for the class.

3. I have written some handouts to provide supplementary information, also on the Carmen site.

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.

Grading

Grades in the course will be based on two midterm examinations and a third examination that is part midterm, part comprehensive final exam. The examinations will consist of short-answer and short-essay questions.

The three exams will have a total of 100 points: 30 points for the first examination and 35 points each for the other two examinations. I will not use a fixed scale to convert points into grades; rather, I will set a scale for each examination after the exam and add the three scales together to obtain the scale for the class.

The first two examinations are scheduled tentatively for January 24th and February 16th. The third examination will be held at 9:30 on March 16th (Wednesday of finals week).

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 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).

Learning and Succeeding in the Class

This class can be challenging because it covers a wide array of topics, a good deal of material is presented in the readings and class sessions, and the course objectives are broad. I will give you as much help as I can in learning what I think is important for you to know and in achieving the best possible grade in the class.

Feel free to see me for any individual help that would be useful. For the class as a whole, I'll put some materials up on Carmen. One is a general Study and Examination Guide. And for each section of the course I'll put up a more specific guide to the material in that section, indicating what I think is important for you to learn within that section. I'll also give you some practice questions in class to help you assess how well you understand the material.

University Policies

You are familiar with university policies on academic misconduct and accommodations for disabilities. But as you know, we are asked to restate those policies on our syllabi (with the statement on disability in a larger font). The statements are as follows:

Academic Honesty: I expect all of the work you do in this course to be your own. No dishonest practices on the examinations or in the course 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.

Disability: Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated, and should inform the instructor as soon as possible of their needs. The Office for Disability Services is located in 150 Pomerene Hall, 1760 Neil Avenue; telephone 292-3307, TDD 292-0901; <http://www.ods.ohio-state.edu/>

Outline of Subjects and Schedule of Readings

1. Equality under the law

A. Exploring the meaning of legal equality

Baer, pp. 1-9
Notes on the Legal System
Politics and Policy on Women's Issues: Some Background

B. Equal protection in the courts

Baer, pp. 11-23, 46-56, 58-134

Important cases:

Frontiero v. Richardson (1973)

Nguyen v. INS (2001)

Personnel Administrator v. Feeney (1979)

2. Education

A. Interpreting and implementing Title IX

Baer, pp. 533-535
U.S. Code, Title 20, Ch. 38 (Title IX)

B. Single-sex education

Baer, pp. 498-533
Code of Federal Regulations, Title 34, sec. 106.34

Important case: United States v. Virginia (1996)

C. Regulation of student conduct

Chipman v. Grant County School District (1998)

D. Applying Title IX to athletics

Baer, pp. 535-543
Dept. of Education letter (2003)
Dept. of Education letter (2010)

Important case: Cohen v. Brown University (1993)

3. Employment

A. Interpreting Title VII

Summary of employment laws
Baer, pp. 140-238, 543-64
American Nurses Association v. State of Illinois (1986)
Ledbetter v. Goodyear Tire & Rubber Co. (2007)

Other important cases:

U.A.W. v. Johnson Controls (1991)
Geduldig v. Aiello (1974)
Johnson v. Transportation Agency (1987)

B. Implementing Title VII

No readings

C. The impact of employment laws

No readings

4. **Family**

A. The law of marriage

Baer, pp. 264-280

In re Marriage of Bonds (Calif. Sup. Ct. 2000)

California Family Code, Sec. 1615

State, ex rel. Krupa, v. Green (Ohio Ct. App. 1961)

B. Alternatives to marriage

Baer, pp. 241-264, 297-319

C. Divorce and its consequences

Baer, pp. 280-297

Stevens v. Stevens (Ohio Sup.Ct. 1986)

5. **Abortion**

A. The sources of Roe v. Wade

Baer, pp. 352-382

Important case: Roe v. Wade (1973)

B. Responding to Roe

Baer, pp. 382-446

Important case: Planned Parenthood v. Casey (1992)

Tentative Schedule by Day

January 3	Introduction to the course 1A Exploring the meaning of legal equality
January 5 & 10	1B Equal protection in the courts
January 12	2A Interpreting and implementing Title IX
January 19	2B Single-sex education
January 24	FIRST MIDTERM
January 26	2C Regulation of student conduct
January 31	2D Applying Title IX to athletics
February 2 & 7	3A Interpreting Title VII
February 9	3B Implementing Title VII
February 14	3C The impact of employment laws
February 16	SECOND MIDTERM
February 21	4A The law of marriage
February 23	4B Alternatives to marriage
February 28 & March 2	4C Divorce and its consequences
March 7	5A The sources of <u>Roe v. Wade</u>
March 7 & 9	5B Responding to <u>Roe</u>
March 16	FINAL EXAMINATION (Wednesday at 9:30)