

Political Science 4138  
Fall 2013  
Mr. Baum

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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 primary 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 this field and in general. Along the way, students should gain a good understanding of the legal system and an ability to read and analyze legal materials such as statutes and court decisions.

### **General Course Information**

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.
2. There are additional 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 September 20th and October 25th, and they will be held on those days unless something unexpected happens. The third examination will be held at 2:00 on Thursday December 5th.

Sometimes students have to miss examinations, and I've created rules that are designed to be fair both to those students and to other students in the class. 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, to help you determine how to focus your attention and study. For each section of the course I'll post a more specific guide to the material in that section, indicating what I think is important for you to learn within that section.

## Required Announcements

### Academic Misconduct

“It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student academic misconduct. The term “academic misconduct” includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the committee (Faculty Rule 3335-5-487). For additional information, see the [Code of Student Conduct](#)”

### Disabilities

“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.”

The topics to be considered in the class are listed below twice, first with the readings for each topic and then with the tentative schedule of dates they will be discussed in class.

## 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: general principles

Baer, pp. 46-50

C. Equal protection: application to sex discrimination

Baer, pp. 11-23, 50-56, 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

United States v. Windsor (2013) (syllabus)

#### 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)

## 6. Women in the legal system

### A. Women as lawyers

No readings

### B. Women as judges

Peresie, “Female Judges Matter”

### **Tentative Schedule by Day**

August 21	Introduction to the course 1A Exploring the meaning of legal equality
August 23	1B Equal protection: general principles
August 28	1C Equal protection: application to sex discrimination 1
September 4	1C Equal protection: application to sex discrimination 2
September 6	2A Interpreting and implementing Title IX 1
September 11	2A Interpreting and implementing Title IX 2
September 13	2B Single-sex education

September 18	2C Regulation of student conduct
September 20	FIRST MIDTERM
September 25	2D Applying Title IX to athletics
September 27	3A Interpreting Title VII 1
October 2	3A Interpreting Title VII 2
October 4	3A Interpreting Title VII 3
October 9	3B Implementing Title VII
October 11	3C Impact of employment laws
October 16	4A The law of marriage
October 18	4B Alternatives to marriage 1
October 23	4B Alternatives to marriage 2
October 25	SECOND MIDTERM
October 30	4C Divorce and its consequences 1
November 1	4C Divorce and its consequences 2
November 6	5A The sources of <u>Roe v. Wade</u>
November 8	5B Responding to <u>Roe</u> 1
November 13	5B Responding to <u>Roe</u> 2
November 15	5B Responding to <u>Roe</u> 3
November 20	6A Women as lawyers
November 22	6B Women as judges
December 5	FINAL EXAMINATION (Thursday at 2:00 p.m.)