

WOMEN AND THE LAW: POLI/WMNS 316

Virginia Commonwealth University, fall, 2002

Tuesday/Thursday 3:30 – 4:45pm/ Hibbs 429

Course Instructor: Deirdre M. Condit

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Office Hours: Wednesday, 2:30-3:45pm and by appointment

Please Note: The Americans with Disabilities Act of 1990 requires Virginia Commonwealth University to provide a 'reasonable accommodation' to any individual who advises us of a physical or mental disability. If you have a physical or mental limitation that requires an accommodation or an academic adjustment, please arrange a meeting with me at your earliest convenience.

Course Description

Law both creates us and is created by us, but when it comes to “women,” how has the law created “woman”? This course examines the idea of "woman" as it is constructed within, by and outside of the law. The work of feminist legal theorists will frame our examinations of the historical, current and future development of case law relating to women and gender in American legal culture.

Course Requirements

CASE BRIEFS: Much of the course consists of reading excerpts from legal cases and discussing them in class. Students are expected to "brief" cases for almost every class. You should keep current with case briefs and bring them to class for reference during discussions. NOTE: they will be checked randomly throughout the semester. You may wish to brief cases collectively in your small group meetings. (see below) **Cases to be briefed for a grade are noted and underlined in the syllabus. LATE BRIEFS WILL NOT BE GIVEN CREDIT.** You may bring 4X6 note card briefs of **any** case we study in class for use during quizzes and exams. Therefore it would behoove you to brief a number of cases...

SMALL GROUP STUDY, MEETINGS AND PRESENTATIONS: Participation in a small group of ~4 - 6 students (depending on class enrollment) is required of each student. Group tasks include:

- ❖ Case preparation, briefing and discussion. **Groups are required to meet one hour per week outside of class at a time and place agreed to by all group members. By the second week of class, students should submit their meeting schedule time and location to Professor Condit, who may spontaneously visit each group periodically throughout the semester;**
- ❖ Each group will either present a 40 minute oral argument from a case they have researched and made available to the class, or, they will act as the Supreme Court for an oral argument presented by their classmates in other groups. Students will submit a group argument brief to the class one week prior to arguing their case. In the case of Supreme Court service, groups will present the opinions of the Court in written fashion to the instructor and in oral fashion to the class. Attached to the group paper (either oral argument or opinion) should be a 2-page personal analysis of the group's work by each member, comparing and contrasting their own views to the views that are taken in the group product.
- ❖ Group members will self-evaluate and will evaluate the performance and participation of peers. The instructor will evaluate participation and attendance as well.

EXAMINATIONS & Book Review: There will be four equally weighted assignments during the semester. These include:

- Mid-term exam
- Book review from list (3-4 pages)
- Analysis & response to *Why Can't Sharon Kowalski Come Home?* (3-4 pages)
- Final exam

Each exam will concentrate on the most recent class material, though previous material may be included as well. The list of possible books for review is included below. **The lowest grade of these four grades will be dropped.** As a result **NO MAKEUP EXAMS or LATE assignments WILL BE POSSIBLE FOR ANY REASON.**

GRADING: Student's learning and performance will be evaluated as follows:

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| 1. Exams, book review and <i>Why Can't Sharon Kowalski Come Home?</i> paper
(each portion is worth 20%) | 60% |
| 2. Case Briefs
(Included in this will be library assignments for groups and full case brief) | 15% |
| 3. Written Argument Brief or Written Court Opinion, and Oral Presentation | 25% |

Attendance Bonus: Daily attendance will be recorded; however, absence will not be punished. Rather, presence will be rewarded. Thus students do not need to bring Dr's excuses, etc. to class. An absence, **for any reason**, will still be counted as an absence. **STUDENTS ARE RESPONSIBLE FOR INSURING THAT THEY SIGN THE ATTENDANCE ROSTER EACH DAY. FAILURE TO DO SO WILL AUTOMATICALLY RESULT IN AN ABSENCE FOR THAT DAY. NO POST FACTO CHANGES TO THE ATTENDANCE ROSTER WILL BE MADE.** Students who are absent fewer than 3 class meetings during the semester for any reason will be awarded an attendance bonus for their final course grade as follows:

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| 3 classes missed: | 1-% grade raise |
| 2 classes missed: | 2% grade raise |
| 1 or 0 class missed: | 2.25% grade raise |

Final grades will be computed using a standard 10% scale for cumulative semester performance. Thus

- A = >90%
- B = >80%
- C = >70%
- D = >60%
- F = <60%

NOTE: The instructor reserves the right but has no obligation to round up from .5 and down from .4 for fractional final grades for students with few absences and strong participation during the semester.

Course Readings

There are three required readings for this course which are available at Carriage House Bookstore. You will also be expected to read any materials put on reserve at Cabell Library.

- (1) Lindgren and Taub, *The Law of Sex Discrimination* (2nd ed) ISBN: 0314027084
- (2) Thompson, *Why Can't Sharon Kowalski Come Home?* ISBN: 0933216467
- (3) Kimmel, Michael S. 2000. *The Gendered Society*. ISBN: 019512878

List of Books for Book Review

1. *Tilting the Playing Field*, Jessica Gavora; ISBN: 189355435X
2. *Our Guys the Glen Ridge Rape and the Secret Life*, Bernard Lefkowitz; ISBN 0375702695
3. *Women in the Barrack; The VMI Case and Equal Rightss*, Philippa Strum; ISBN: 0700611649
4. *Crashing the Net: The U.s. Women's Olympic Ice Hockey Team the Road to the Gold*; Mary Turco; ISBN: 0060929812
5. *More than a Game: One Woman's fight for Gender Equity in Sport*, Cynthia Lee Pemberton; ISBN: 1555535259
6. *Sex Discrimination in the Legal Profession*, Bernard F. Lentz; ISBN: 0899309283
7. *Coming on Strong: Gender and Sexuality in Twentieth Century Women's Sport*, Susan Cahn; ISBN: 0674144341
8. *Real Heat: Gender and Race in the Urban Fire Service*, Carol Chetkovich; ISBN: 0813524105
9. *Positively Gay: New Approaches to Gay and Lesbian Life*, Betty Berzon; ISBN: 1587610957
10. *Breaking Through the Glass Ceiling: Women in Management*, Linda Wirth; ISBN: 9221108457
11. *Equality for Same Sex Couples*, Yuval Merin; ISBN: 0226520323
12. *Still a Man's World: Men Who Do Women's Work*, Christine Williams; ISBN: 0520087879
13. *Interracial Intimacy: The Regulation of Race and Romance*, Rachel F. Moran; 0226536629
14. *Sex at Work: Attraction, Orientation, Harassment, Flirtation and Discrimination*, Mari Florence; ISBN: 1563437376
15. *Sexual Harassment of Working Women: A Case of Sex Discrimination*, Catherine MacKinnon; ISBN: 0300022999
16. *Hard Fought Victories: Women Coaches Making a Difference*, Sara Gogol; ISBN: 1930546513
17. *Lifting a Ton of Feathers: A Woman's Guide to Surviving in the Academic World*, Paula J. Caplan; ISBN: 0802074111
18. *Beyond Zero Tolerance: Discrimination in Military Culture*, Mary Fainsod Katzenstein; ISBN: 0802074111
19. *Speaking of Sex: The Denial of Gender Inequality*, Deborah Rhode; ISBN: 0674831772
20. *Fall from Glory: the Men who Sank the U.S. Navy*, Gregory L. Vistica; ISBN: 0684832267
21. *Modern Sexism: Blatant, Subtle and Covert Discrimination*, Nijole V. Benokratis; ISBN: 0135886171
22. *Your rights in the Workplace 5th ed.*, Barbara Kate Repa; ISBN: 0873375971
23. *Tales from the Boom Boom Room: Women vs. Wallstreet*, Susan Antilla; ISBN: 1576600785
24. *Speaking Truth to Power*, Anita Hill.