

UNIVERSITY OF WISCONSIN OSHKOSH
Department of Political Science
84-342-001 –Gender Law and Policy – *EXPLORE 3 cr.*

Fall 2017: MWF | 10:20 – 11:20 Swart 240

My office hours are on Wednesdays 11:30-1:30pm and Thursdays from 1:00-2:00pm.

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COURSE DESCRIPTION

The legal system has shaped gender relations for both women and men through regulation of such issues: work, family, education, pay equity, reproductive rights, military service, violence, and social justice. This course examines the most significant legal and policy issues relating to gender (the roles, behaviors, activities, and attributes considered appropriate for men and women). The course offers students the opportunity to engage in a critical analysis of the relationship between law and gender that is grounded in court decisions and legal commentary, and centered on competing theoretical frameworks of gender equality in a democratic society. The course utilizes a comparative approach and draws on case law from the United States, India, and South Africa, regional human rights courts, and UN bodies that interpret international law. The course does not assume prior background in political science, law, or women's studies; however, previous coursework in any of these areas will be helpful. There are no pre-requisites for the course.

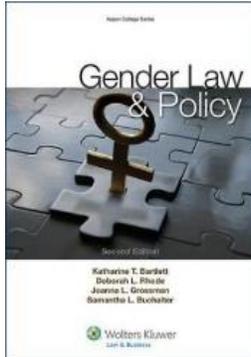
STUDENT LEARNING OUTCOMES

After completing this course, you should be able to:

- *Understand* gender as a social and cultural construction that interacts with other constructions such as race, ethnicity, and class
- *Understand* and *describe* the complex ways in which gender permeates the law to influence the structure and interpretation of laws in diverse cultures
- *Identify* and *evaluate* the role of public policy in the creation and dismantling of unearned privilege and discrimination
- *Describe* and *explain* how gender-specific case law and policy has evolved in the U.S. in one or more issue areas and *evaluate* U.S. case law in light of evolving comparative and international legal standards
- *Identify* different theories and assumptions about the relationship between law and gender and *analyze* the significant value and limitation of each perspective in the context of one or more specific legal issues
- *Draw connections* between current events and theoretical and historical perspectives and *apply* one or more theoretical perspectives to a contemporary gender and law “problem”
- *Develop* an original, effective, and well-supported argument, *demonstrating* your competence in formal written and oral communication

READING

The following text has been ordered by the bookstore for purchase:



Katherine T. Bartlett and Deborah L. Rhode. 2014. *Gender Law and Policy*, 2nd Edition. Aspen Publishers.

You may wish to purchase your book from a different source (such as amazon.com or direct from the publisher). *Additional readings will be provided on D2L.*

All readings should be done before class for the day they are listed.

ASSIGNMENTS AND ASSESSMENT OF LEARNING

This is an upper division Political Science course: the number and style of the readings and the nature of assignments reflect this academic discipline. Students should come to class meetings prepared to discuss central questions, puzzles and concerns that arise from course readings assigned for that day. The course is fast paced and intensive: participation and attendance are mandatory for the course to succeed (and for you to succeed in the course). We will discuss topics about which there will be strong differences of opinion. Please be respectful of each other.

Participation: Students are expected to actively engage with the material and their peers in several ways.

Write/share/evaluate/reflect (WiSER) assignments are designed to get you thinking and **writing** for yourself about the readings and cases; **sharing** and defending *your* thinking (*your informed and well-reasoned response is the “i” in WiSER,—own it!*) in conversation with a peer (or peers); **evaluating** how well your partner(s) articulated their position; and critically **reflecting** on the strength your own response (as presented in your conversation with your partner and as expressed in your own writing).

You will write and keep your WiSER assignments in an electronic **journal** shared with me (but not your peers) on google drive. I will periodically review and assess your progress in your journal. The assignments are built around reading questions and analysis questions from the text and supplemental readings. In the assignments you should connect concepts, theory and practice. WiSER assignments occur at my discretion (But I’ll let you know well in advance and there is a handout!).

I recommend that all students also keep a **case brief notebook** (either hand written or electronic) – this is something you can do individually or collectively – it is your own to keep in your notes. Bring it with you to class – I may call upon you at any time to “brief” a case. We will talk about **how to brief a case** early in the semester. This will be helpful when you write several short papers during the semester.

Students will also be in the **hot seat** six times during the semester. During discussion, **hot-seaters** can be called upon to provide the facts of a case, summarize an argument, provide their “take” on a problem or reading question, or define and explain key terms. Everyone should be prepared for discussion; and **hot-seaters should be over-prepared.**

Hot-seat days are scheduled automatically by D2L. If you have a conflict with your assigned day(s), you need to “trade” with someone in class and make sure that I am aware of the new dates for both persons involved!

All students are expected to participate actively and regularly (even on your non hot-seat days) in discussion and in-class workshops, debates and free-write assignments, briefly presenting your work, etc. These “**other**” activities occur at my discretion.

GRADE CALCULATION

I. Participation (40% of your final grade):

- WiSER preparation and discussion 30%
- WiSER reflection journal: 30%
- Hot Seat participation: 30%
- Class participation: 10%

II. Short papers (40% of your final grade): Students will write **three** papers of *no more than* 2000 words each depending on the assignment. Each of these will be submitted to a D2L drop box. *See the handout on short paper assignments for further information.*

- a) U.S. Case Brief/Analysis
- b) Topical / Synthesis Paper
- c) Global Case Brief/Analysis

III. Final Exam (20%)

Expectations for the final will be discussed in class.

Final Grades are calculated using UWO’s 93/90/87 grading scale. You may check your grade at any time on D2L. If you are unsatisfied with the way your written work has been graded, you may request that it be re-graded. This request must be submitted *in writing* no later than one week from when your paper/exam is returned. Note that re-grading may result in a grade either higher or lower than the grade you received.

OTHER COURSE POLICIES

Plagiarism and Academic Honesty: “Academic Honesty is fundamental to the University, and academic misconduct is taken very seriously. Students are responsible for the honest completion and representation of their work, *for the appropriate citation of sources*, and for respect of others’ academic endeavors” (UWS, 14.01, emphasis added). *Plagiarism is using someone else’s ideas, words, theories, evidence, findings, argument, etc. and passing them off as your own by not properly attributing or acknowledging the original source of those ideas.* Students may inadvertently plagiarize when they fail to provide page numbers for quotations in a paper or when they paraphrase or summarize the work of others without acknowledging the source in the text of their paper. *Plagiarism in its many forms is wrong, unethical and dishonest.* At minimum plagiarism in this course will result in a failing grade on the assignment and may result course failure. *If you are unsure whether or not what you have written constitutes plagiarism, just ask.*

Citations: In all of your written work for this course you will be using the American Political Science Association (APSA) citation style, including in-text citations. This is very similar to Chicago style. A guide can be found on the Political Science Department Website and the Polk Library homepage. You are responsible for familiarizing yourself with the APSA citation style and using it properly – *if you have questions, just ask.*

Excused absences, make-ups and late work: Make-up work must be requested and arranged with me prior to the date of the assignment; make-ups and excused absences require *documented evidence of medical necessity or an approved college-sanctioned event*. I do accept late work, but only with a *penalty*. Late assignments are penalized one third grade for each day they are late (i.e. a B would become a B-, then a C+, etc.). Note: you are always better off submitting something rather than nothing, even if it is late! Get started early on your papers, come see me about your ideas, give yourself plenty of time for writing and *rewriting*, and avoid procrastinating.

Note to Political Science Majors: Political Science majors should take Political Methodology (245) in either their sophomore or first semester of their junior year. PS245 is a prerequisite for the senior capstone, Political Analysis (401), and cannot be taken concurrently. Additionally, majors should keep electronic and/or physical copies of their major written work, assignments, evidence of major projects, internships, etc. for their Senior Seminar and Major portfolio.

Note to Women's Studies Majors: Women's Studies majors should keep electronic and/or physical copies of their major written work, assignments, evidence of major projects, internships, etc. for their Senior Seminar and Major portfolio.

COURSE SCHEDULE*

THE HISTORICAL LEGACY OF WOMEN'S TREATMENT IN THE LAW (CH 1 A)

➤ WELCOME WEEK: SEPT. 5 – SEPT. 8

WED Sept. 6 Introductions

Introduction to: "Write/share/evaluate/reflect (WiSER)" assignments

Introduction to: Case Briefs; Explore: How to Brief a Case and / or Case Brief Guide (YouTube)

FRI Sept. 8 The Historical Legacy of Women's Treatment in the Law (**Read:** Ch. 1A. beginning on p. 1-22)

FORMAL EQUALITY (CH 1 B AND C)

➤ WEEK 1: SEPT. 11 – SEPT. 15

MON Sept. 11 Equal Protection-Individualized treatment (**Read:** Ch. 1B.1 beginning on p. 23)

WED Sept. 13 Equal Protection-Group treatment (**Read:** Ch. 1B.2 beginning on p. 33)

FRI Sept. 15 **Read:** Serena Mayeri "When the Trouble Started: The Story of *Frontiero v. Richardson*" (D2L)

➤ WEEK 2: SEPT. 18 – SEPT. 22

MON Sept. 18 Indirect Discrimination – that based on impact, not intent (**Read:** Ch. 1B.3 beginning on p. 45)

WED Sept. 20 Equal Pay and Formal Equality in Employment (**Read:** Ch. 1C.1 beginning on p. 50)

FRI Sept. 22 Employment Title VII and the limits of Formal Equality (**Read:** Ch. 1C.2a beginning on p. 63)

➤ WEEK 3: SEPT. 25 – SEPT. 29

MON Sept. 25 Appearance regulations and “Bona Fide” Occupational Qualifications (**Read:** Ch. 1C.2b & c beginning on p. 88)

WED Sept. 27 Public Accommodations and Associational Freedoms (**Read** Ch. 1D beginning on p. 122)

FRI Sept. 29 Flex day!

SUBSTANTIVE EQUALITY (CH 2)

➤ WEEK 4: OCT. 2 – OCT. 6 – IN EMPLOYMENT

MON Oct. 2 Affirmative Action in Employment (**Read:** Ch. 2A.1 & 2 beginning on p. 142)

WED Oct. 4 Addressing “disadvantages” related to gender: Pregnancy (**Read:** Ch. 2B.1 beginning on p. 168)

FRI Oct. 6 Accommodating Work and Family (**Read:** Ch. 2B.2 beginning on p. 193)

Global perspectives: Exploration and Comparison – OECD Comparative Analysis on Families and Children (D2L – Link)

➤ WEEK 5: OCT. 9 – OCT. 13 – IN EDUCATION AND SPORTS

MON Oct. 9 Education (**Read:** Ch. 2C.1 beginning p. 204)

Read: Katherine Bartlett “Unconstitutionally Male? The Story of *United States v. Virginia*” (on D2L)

WED Oct. 11 Sports (**Read:** Ch. 2C.2 beginning p. 225)

FRI Oct. 13 Gender and Sport – **Global perspectives: Exploration and Comparison**

(US Case Briefs due – D2L Drop Box)

SUBSTANTIVE EQUALITY (CH 2) AND DIFFERENCE (CH 4)

➤ WEEK 6: OCT 16 – OCT. 20 IN THE FAMILY

MON Oct. 16 Substantive Equality in the Family – Divorce and Custody (**Read:** Ch. 2.D beginning p. 240)

WED Oct. 18: Difference: The Ethic of Care and its Legal Implications (**Read:** Ch. 4.A & B beginning p. 449)

FRI Oct. 20 Difference and Equality Comparatively (**Read:** A Comparative Analysis of US and Indian Supreme Courts' Equality Jurisprudence (D2L – Excerpt)

Global perspectives: Exploration and Comparison – OECD Comparative Analysis on Families and Children (D2L – Link)

NON-SUBORDINATION (CH 3)

➤ WEEK 7: OCT 23 – OCT 27 HARASSMENT AND DISCRIMINATION

MON Oct. 23 Women's Rights and Power in the Liberal State (**Read:** Ch. 3.A. beginning p. 291)

WED Oct. 25 Sexual Harassment (**Read:** Ch. 3.B.1 Workplace beginning p. 296; **Read:** B.2. Education, beginning p. 321)

FRI Oct. 27 Women in the Military (**Read:** Ch. 3.F beginning p. 425)

➤ WEEK 8: OCT 30 – NOV. 3 DOMESTIC VIOLENCE

MON Oct. 30 Domestic Violence: Legal Strategies to Protect Victims (**Read:** Ch. 3.C.1 beginning p. 329)

WED Nov. 1 Domestic Violence: Criminal Law (**Read:** Ch. 3. C.2. beginning p. 350)

FRI Nov. 3 **Read:** Zanita E. Fenton "State-Enabled Violence; the Story of *Town of Castle Rock v. Gonzalez*" (D2L)

Global perspectives: Exploration and Comparison (Inter-American System of Human Rights)

➤ WEEK 9: NOV. 6 – NOV. 10 GENDER BASED VIOLENCE AND INTERNATIONAL LAW

MON Nov. 6 **Read:** Excerpt from Bonita Meyersfeld, "Systemic Intimate Violence" in *Domestic Violence and International Law*. (on D2L); **Explore:** UNWomen - VAW

WED Nov. 8 **Global perspectives: Exploration and Comparison** - UN Special Rapporteur on violence against women, its causes and consequences resources (web source); India's Daughter (DVD); NiUnaMenos Movement (D2L Links)

FRI Nov. 10 Flex Day!

AUTONOMY (CH 5)

➤ WEEK 10: NOV. 13 – NOV. 17 SEX AND CONSENT

MON Nov. 13 US Law: Sex and Consent / Rape / Marital Rape (**Read:** Ch. 5. A.1, 2, 3 beginning p. 521); **Explore:** Age of Consent and #Marital Rape (D2L Links)

WED Nov. 15 **Read:** Gender Stereotyping in Rape Cases: The CEDAW Committee's Decision in *Vertido v The Philippines* (D2L)

FRI Nov. 17 Rape, War, Prostitution and Trafficking (**Read:** Ch. 5. A.4 & 5 beginning p. 561)

➤ WEEK 11: NOV. 20 – NOV. 24 (THANKSGIVING WEEK)

MON Nov. 20 **Read:** A Comparative Analysis of US and Indian Supreme Courts' Equality Jurisprudence (D2L – Excerpt)

Global perspectives: Exploration and Comparison (India)

(TOPICAL / SYNTHESIS PAPER DUE AFTER THANKSGIVING)

➤ WEEK 12: NOV. 27 – DEC. 1 PREGNANCY AND ABORTION

MON Nov. 27 Control and Contraception (**Read:** Ch. 5. B.1. beginning p. 581)

Read Lisa Ikemoto “Infertile by force and Federal Complicity: The story of *Relf v. Weinberger* (D2L)

WED Nov. 29 Abortion (**Read:** Ch. 5. B.2. beginning p. 595); **Explore:** Body Politic Project (D2L Link)

FRI Dec. 1 Protecting Life (**Read:** Ch. 5. B.4. beginning p. 643)

Global perspectives: Exploration and Comparison (Latin America)

IDENTITY (CH 6)

➤ WEEK 13: DEC. 4 – DEC. 8 CHALLENGES TO LIBERAL LEGAL THEORY AND PRACTICE

MON Dec. 4 Intersectionality (**Read:** Ch. 6 A beginning p. 685)

WED Dec. 6 LGBTQ Legal (**Read:** Ch. 3.E. beginning pg. 385 AND Ch. 6 B beginning p. 700);
Explore: Colombia Law School Gender and Sexuality Clinic (media section) (D2L Link)

FRI Dec. 8 Masculinities and Gender (**Read:** Ch. 6. C & D beginning page 717)

GLOBAL CASE STUDIES – MICRO PRESENTATIONS AND FINAL

➤ WEEK 14: DEC. 11 – DEC. 15

MON DEC. 11 – Presentations

(Global Case Briefs due – D2L Drop Box)

WED DEC. 13 – Presentations

FRI Dec. 15 – Final Exam

*Course schedule is subject to revision – any changes to the schedule are announced in class and posted on D2L news.