This course focuses on gender politics in law. The main objective is to learn how law and legal institutions are mobilized as arenas for structuring, challenging, and transforming gender norms, identities, and roles. We study how social relations are gendered by particular kinds of law (i.e., constitutional, civil rights, family, criminal, and international), such as employment, education, marriage, and sexuality. We also consider how law regulates our bodies (e.g., transgender processes, reproduction, pregnancy).

You will learn to identify and analyze gendering in law and politics. Specifically, how this phenomenon is mobilized and counter-mobilized as an economic and cultural resource in U.S. and international politics. The full meaning of this sentence will become clear(er) as you learn the language of law, key concepts, analytical approaches, and normative arguments in this field.

**Required Work**

You should read all the required materials before class and be prepared to discuss the major issues raised in the material, as well as ask questions about the readings and the lectures. You are strongly encouraged to read recommended readings, which are listed on the syllabus and will be mentioned in lectures. These reading are included for two reasons: 1) to provide you with background material; and 2) to deepen your understanding of the cultural, social, economic and political roles law and legal institutions perform in the field of gender politics.

In addition to doing the readings & participating in discussions, your grade will be based on:

1. In-class Mid-Term Exam, Thursday **March 9th** (25%);

2. A critical essay (1,500 words) in response to a prompt you will be given (25%). The prompt and relevant documents will be posted on March 31st and your paper is due on **April 10th** by 12:00 PM; and

3. Comprehensive Final Exam (50%) Thursday, **May 11th, 10:00-11:50 AM**.
Required Books*


* All other readings listed on the Course Outline will be posted on NYU Classes.

Recommended


• Please turn off your cell phones during lecture; this includes text messaging.
• Please do not walk out of class during the lecture.
• Thank you.
Course Outline

I. Framing Gender in Law and Politics [weeks 1-4]

A. The Feminist Movement Against Sexual Harassment [Jan. 26]


*Recommended:*

B. “Hostile Environment” as a Violation of Civil Rights

*Jan. 31*
Baker, Part II (pp. 67-107).

*Harris v. Forklift Systems* (1993)

*Feb. 2 & 7*
Baker, Part III (pp. 111-176).

*Vance v. Ball State University* (2013)
*Holder v. Southeastern Oklahoma State University* (2015)

See “Framing Harrington_prezi”

C. Anti-Feminist Counter Mobilization [Feb. 9 no class/snow day, Feb. 14]

*Schreiber* (2008) *Righting Feminism*; Chapters 1-3 (pp. 3-55).

*Recommended:*

D. Queer with or without Feminist Legal Theory?

*Feb. 14*
Franke, “Theorizing Yes: An Essay on Feminism, Law, and Desire”, in Fineman, Jackson & Romero, Chapter 2 (pp. 29-44).

Feb. 16
Schultz, “The Sanitized Workplace Revisited,” in Fineman, Jackson & Romero, Chapter 4 (pp. 65-90).


II. Gender Violence [weeks 5-7]

A. If the State is Involved or Not [Feb. 21, 23 & 28]

Feb. 21

Corrigan. Up Against A Wall: Rape Reform and the Failure of Success, 2013, Chapters 1 & 2.

Feb. 23
Corrigan, Chapters 3, 4, 5 & 6.

Feb. 28
Corrigan, Chapters 7 & 8.

Recommend:


March 2
Sieg, Reva B. “The Rule of Love,” pp. 2174-2207

Schreiber, Chapter 4 (pp. 56-77).

Recommend:

March 7
Brzonkala v. Virginia Polytechnic Inst. & State Univ. (1997) USCA, 4th Cir. 2-1

*U.S. v. Morrison* (2000) 5-4

See “VAWA _Harrington_prezi”

**Mid-Term:** Thursday, March 9th

*Week of Spring Break* no class

C. Title IX: Sexual Harassment as Sexual Violence [March 21, 23 & 28]

1. Feminist Activists


   National Women’s Law Center, “The Next Generation of Title IX: Harassment and Bullying Based on Sex,” [www.nwlc.org](http://www.nwlc.org)


2. Anti-Feminist Activists


3. Federal Agencies: Dept. of Justice and Dept. of Education


4. Due Process Rights


5. Feminist Legal Policy on Title IX


See “Title IX_Harrington_prezi”

Recommend:

Hedda Nussbaum v. Joel Steinberg (1999) Supreme Court of NY State Appellate Division

Video: Court TV (1999) The Trial of Lorena Bobbitt: Assault, Revenge or Self-Defense?


III. Gendered/ Sexed Roles in Law: Marriage

A. Marriage and Motherhood [March 30 and April 4]

Becker, “Care and Feminists,” in Fineman, Jackson & Romero, Chapter 9 (pp. 159-177).

Schreiber, Chapter 5 (pp. 78-95).

Recommend:

B. Same Sex Marriage and Law Reform [April 6, 11 & 13]

Defense of Marriage Act (1996)

Goodridge v. Department of Public Health (2003) Supreme Judicial Court of Massachusetts


Schreiber, Epilogue (pp.129-140) focus on “identity politics.”

Recommended:

Paper due: April 10th

IV. Legal Scrutiny for Gendering [weeks 11-13]

A. Constitutional Equality: Differential Impact

April 18
Frontiero v. Richardson (1973)
Craig v. Boren (1976)


April 20


B. Constitutional Liberty: Reproductive Privacy

April 25
Griswold v. Connecticut (1965)
Roe v. Wade (1973)

April 27
Whole Woman’s Health v. Hellerstedt (2016)

Recommend:
Planned Parenthood v. Casey (1992)


V. Regulating Women’s Bodies [week 14] May 2 & 4


Recommend:


Final Exam: May 11th – Thursday, 10:00-11:50 AM