

Assistant: Moira Harding, 5-8351  
Pound 100, MTW 10:15-11:35

## **SEX EQUALITY**

LAW 46315A-1

Professor Catharine A. MacKinnon  
Harvard Law School  
Fall Term, 2007

Text: C. MacKinnon, *Sex Equality*, 2d ed. (Foundation, 2007). The publisher promises this text at the Harvard Coop on September 6.

Sept. 5 Introduction (on course website with Table of Contents)

### **PART I: FOUNDATIONS**

#### Equality

Sept. 10 Aristotle, 2-12; U.S. Law, 12-19; Andrews, 24-31; South Africa, 34-36

Sept. 11 Kant & UDHR, 40-42; ICCPR, 43-44; CEDAW, 45-47, 48 n.6  
Discussion

#### Race & Racism

Sept. 12 Plessy, 49-60; Yick Wo, 67-69; Korematsu, 70-72

Sept. 17 Shelley v. Kraemer, 78-80; Brown, 84-86, 88-90 nn.4,5; Griggs, 92-96;  
Teamsters footnote, 482-483

Sept. 18 Washington v. Davis, 100-104 & 105-106 n.4.1; Grutter, 109-122

Sept. 19 Keegstra, 130-138 & n.1; Discussion

#### Sex & Sexism

Sept. 24 Sex, 142-143; Work, 143-148; Bradwell, 148-151, 155-56 nn, 8,9;  
Stereotyping, 156-62; Hopkins, 162-167, 166-69 nn. 2, 4.1-4.3, 173 n.8

Sept. 25 Work: Equal Pay Act, 178; Lemons, 181-85, 187-88 n.7, 190-92 n.10;  
Sears, 199-204, 205-6 nn. 2, 4, 208-9 n.8.

Sept. 26 U.S. Constitutional Doctrine, Introduction, 211-17; Reed, 218-20; Craig,  
222-27; Frontiero, 231-35; JEB, 238-46 Discussion

Sept. 28 FIRST PAPER DUE

- Oct. 1 Geduldig, 248-52; Feeney, 254-60; Rostker, 264-69  
 Oct. 2 Introduction, 279-83; Muller, 286-88, 289 n.2; Kahn, 293-95;  
 Wiesenfeld, 296-99; Webster, 311-12; Johnson, 324-26; Nguyen, 313-18  
 Oct. 3 Education, 334-39; Hogan, 343-48; 351-53 n.6; VMI, 360-367, 368 n.3:  
 Athletics, 371-85; Discussion  
 Oct. 8 Pregnancy, 393-99; Gilbert, 399-403; Cal. Fed., 409-15, 418-19 n.9

#### Sex, Race & Nation

- Oct. 9 Introduction, 420-25; Loving, 425-28, 429 n.3; Bakke, 431-433, 438-9  
 n.10; Jeffries, 441-44, 447-9 nn.7,8  
 Oct. 10 Martinez, 449-52. 455-6, n.3 and n.13; Kasinga, 469-72, 473-77 n.2;  
 Discussion

### PART II: APPLICATIONS

#### Family

- Oct. 15 Introduction with Hibbs, 544-60; Sexual Family: Corbett & Gardiner, 56  
 -69; Singer, 571-73; Goodridge, 575-84 & 585 n.4  
 Oct. 16 Reproductive Family: Introduction, *Palmore v. Sidoti*, 585-88;  
 Stanley, 588-94; Caban, 597-603 n.1, 604-5 n.5; David and Margaret M.  
 & Linda R, 618-24; 632-36, 642-44  
 Oct. 17 Economic Family: McGuire, 647-50; Orr & Moge, 651-59 & n.3, 663-67,  
 670 n.5. Violent Family: Introduction, 675-84; *Bruno v. Codd &*  
*Thurman*, 684-88, 693-97

#### FALL BREAK

#### Sexual Subordination

- Oct. 29 DeShaney & Gonzales, 700-04, 711-21 n.1. Discussion  
 Oct. 30 Rape: Introduction, 742-69; Dothard, 769-74 nn.1-3  
 Oct. 31 Berkowitz & MTS, 779-90, 792 n.4; Akayesu, 841 n.6.2. Discussion  
 Nov. 5 Liberta, 803-07, 810-12 n.6, 817 n.12; Michael M. 817-828, nn.1,4,  
 831-2 n.10  
 Nov. 6 Sexual Harassment: Introduction, 845-60; Work: Barnes & Oncale, 860-  
 63; 870-74 n.1; Ellerth & Vinson, 878-87; Harris, 889-93 n.7, 899 n.9  
 Nov. 7 Faragher, 912-17, 914-18 nn. 2-4; Education: Introduction, 924-28;  
 Alexander, 931-33; Mary M., 938-9; Silva, 943-46; Gebser, 947-53; Davis,  
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## Lesbian & Gay Rights

- Nov. 12 Introduction, 970-90; Lawrence, 990-1006 n.2; 1007-8 n.4; 1102 n.10  
Nov. 13 Watkins, 1016-29; Romer, 1033-36; Vriend, 1036-38 n.1; M&H, 1038-44  
Nov. 14 1044-53; Baehr & Mogilefsky, 1063-1080; 1063-64; 1065-69; 1002-16.  
Discussion

Nov. 15 SECOND PAPER DUE

## Reproduction

- Nov. 16 **FRIDAY.** Introduction, 1074-84; Abortion, 1095-1100; 1114-20 n.1; Roe, 1100-03, 1105-06 n.4; Casey, 1114-20 n.1  
Nov. 19 1127-35; McRae, 1135-38; 1138-39 nn.3,4; Johnson, 1140-43;  
Bray, 1144-50  
Nov. 20 Gonzales, 1160-62 n.9; Discussion

## THANKSGIVING BREAK

Nov. 26 Surrogacy, 1184-1218

## Trafficking Women

Nov. 27 Introduction, 1219- 33; Prostitution: 1233-84. Discussion

## **NO CLASS NOV. 28**

- Dec. 3 Pierce, 1285-89; Hartway, 1308-12; In re P., 1317-20; Jordan (website); 1322-32; 1315 n.8  
Dec. 4 Pornography, Introduction 1332-46, 1358-88; Hudnut, 1388-95, 1418-23  
Dec. 5 Butler, 1426-28 n.1, 1429-34 n.5; Robinson, 1452-63; Johnson, 1469-70

Dec. 10 THIRD PAPER DUE

Evaluation: Two options for writing are available, either papers or taking an exam.

EITHER (1) Three short papers on any subject relevant to the course adding up all three together to no more than 4,000 words (including footnotes and headings) are due Sept. 28, Nov. 15, and December 10. Turn them in to Moira Harding, Griswold 5, by 5 p.m.

OR (2) Exam, a 48 hour self-scheduled open-book take-home exam during exam period, the student to select two essay questions to be equally weighted from a fairly long list of questions for a word limit of no more than 4,000 words (including footnotes and headings). The first paper will be returned before the second is due; the second before the third is due.

AND: Each student will participate at least once by speaking in class on a substantive course subject, at a time chosen by the student, and no more than three times until each student has spoken once. Participating once is required to pass the course.