

SYLLABUS

Legal & Medical Control of the Reproductive Process

Spring Semester, 2008

Professor Nancy Ehrenreich

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(or by appointment)

Course Materials:

Nancy Ehrenreich (ed.), The Reproductive Rights Reader: Law, Medicine, & the Construction of Motherhood (2008) – available at bookstore (“Text”)

Cases Supplement – photocopied materials – to be handed out in class (“Supp”)

Course Requirements:

Class participation – 20% of grade

Research paper (Paper No.2) (*suggested* length: 20-25pp)

- 60% of grade; due end of exam period (your choice of topic; prior approval required)
- Mandatory rewrite if student elects to use to satisfy upper class writing requirement)
- Paper content: (a) succinct and accurate description of the state of law and policy on the chosen topic; (b) critical assessment of current law and policy on the topic, *drawing on course reading materials and insights gained from those materials*; and (c) personal opinion on the issues raised in the discussion of the topic. (NB: The paper should be organized as appropriate to the material – *not* necessarily according to the three areas listed here.)

In-class presentation on research paper (15-20 min) – 20% of grade; presented in April. Should cover items (a)-(c) described above.

Papers: Papers should be *double-spaced*, with a *reasonable-sized font* (eg, 12), and *reasonable margins*. Additionally, papers should comply with the attached “Writing Guidelines” sheet.

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1/15 Introduction to Course

Introduction to Reproductive Rights – Text, 2-19

Unit I: Questioning Science: Feminist Critiques of Medical Knowledge and Practice

1/17 Medicine as a Social Practice – Text, 23-41, 57 (notes 1-3) (Ehrenreich & English; Todd)

1/22 The Social Construction of Medical Knowledge – Text, 42-57 (notes 4-5) (Martin, Chase)

Unit II: Forced Motherhood?: Legal Regulation of Pregnancy Termination

Part A: Abortion: The Legal Framework

- 1/24 Social & Historical Context – Text, 63-95 (Luker, Reagan, Davis)
- 1/29 The “Privacy” Formulation & Its Critics – Text, 99-110, 123 (notes 1-6) (*Roe v. Wade*, Petchesky), Supp., 1-11 (Ely)
- 1/31 Privacy and the Abortion-Funding Issue – Text, 111-24 (*Harris v. McRae*, Ehrenreich), Supp., 12-15 (*Webster*)
- 2/5 The “Undue Burden” Test – Text, 127-44 (*Planned Parenthood v. Casey*, Gibbs et al.)
- 2/7 The Equality Approach – Text, 147-65 (Siegel, Sullivan & Estrich)
Paper proposals due: one paragraph describing both the proposed topic and the research plan (including discussion of preliminary research suggesting that the topic is viable (no pun intended)).
- 2/12 Sign up for Research Topics & Presentations – brief individual meetings
Discussion of paper-writing skills

Part B: Abortion – Special Topics

- 2/14* Late-Term Abortion – Text, 169-98 (*Stenberg v. Carhart*, Oliveri, *Gonzales v. Carhart*)
- 2/19* Teen Pregnancy: Minors’ Access to Abortion and Sex Education – Text, 201-220 (Rhode, Dailard); Supp, 16-33 (explanatory text, *Hodgson*, *Lambert*, *Owens*)
Note re readings in Supp: If your last name starts with A-H, please read the explanatory text & *Hodgson*; if your last name starts with I-P, please read the explanatory text & *Lambert*; if your last name starts with Q-Z, please read the explanatory text & *Owens*)
- 2/21 Wrongful Birth and Selective Abortion – Text, 223-39, 253 (notes 1-4) (Kowitz, Saxton)
- 2/26 Reproductive Rights of Women in Prison – Text, 243-54 (note 5) (Roth)

* Note: This class has particularly heavy reading.

Unit III: Motherhood Denied – Legal Regulation of Conception

- 2/28 Punitive Policies – Regulation of Conception by Low-Income Women & Women of Color – Text, 257-96 (Solnger, Albiston, Williams)
 (a) *Social and historical context* – Text, 261-74, 296 (note 1) (Solinger)
 (b) *Norplant* – Text, 275-87, 296 (note 3) (Albiston), Supp, 34-6 (*Skinner v. Okla.*)
- 3/4 (c) *Family caps* – Text, 288-96 (notes 2, 4, & 5) (Williams), Supp., 37-42 (*C.K. v. Shalala*)
- 3/6 Assisted Reproduction: Regulation of “Surrogacy” & Cloning
 (a) *Contract Parenthood* (“*Surrogacy*”) – Text, 299-319, 331 (notes 1-4) (Ertman, Roberts)
- 3/11 (b) *Cloning* – Text, 320-31 (note 5)
- 3/13 Catchup classes

[Spring Break: March 17-21]

Unit IV: The Disciplining of Mothers – Legal Regulation of Behavior During Pregnancy

- 3/25 Pregnancy and Fertility Discrimination in the Workplace – Text, 335-60 (*Troupe v. May Dept. Stores*, Colker, Austin)
- 3/27* Tort & Criminal Liability for Prenatal Behavior – Text, 363-88 (*Stallman v. Younquist*, Roberts), Supp., 43-61 (Robertson, *Whitner v. So. Car.*)
- 4/1* Court-Ordered Cesarean Sections – Supp., 62-73 (Sullivan & Weitz), Text, 391-402 (Ehrenreich), Supp., 74-83 (*In re Baby Boy Doe*)
- 4/8-4/24 Last six classes devoted to paper presentations
- 4/10 – **Draft of Research Paper due at 4 pm** (*only* for those doing the upperclass writing requirement)

[Research Paper Due Last Day of Exam Period]
(including final draft for those doing upperclass writing requirement)

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