

## GENDER AND JUSTICE

Professor Nancy Levit  
UMKC School of Law  
816-235-2391  
levitn@umkc.edu

### Required Texts:

Mary Becker, Cynthia Grant Bowman & Morrison Torrey, Feminist Jurisprudence: Taking Women Seriously (3d ed. West 2006);  
Supplemental Materials (designated as Supp. in syllabus); and  
Nancy Levit & Robert R.M. Verchick, Feminist Legal Theory: A Primer (New York University Press 2006) (designated as FLP in syllabus)

Representative examples from the 1996-2006 final examinations and answer keys may be found on the web at <http://www1.law.umkc.edu/faculty/levit/Gender&Justice/Index.htm>

### Assignments:

- |  |                 |
|--|-----------------|
| <b>1. Introduction and Historical Background</b>       | pp. 1-16        |
| Constitutional Equality and the ERA                    | pp. 17-25       |
| <i>Feminism and Law</i>                                | FLT pp. 1-7     |
| Barbara Ehrenreich, <u>Why We Lost the ERA</u>         | Supp. pp. 8-10  |
| <b>2. Constitutional Standard</b>                      | pp. 25-47       |
| <u>California Federal Savings &amp; Loan v. Guerra</u> | pp. 101-105     |
| <u>United States v. Virginia</u>                       | pp. 63-75       |
| <i>Single-Sex Education</i>                            | FLT pp. 92-98   |
| <u>Equality Foundation v. City of Cincinnati</u>       | Supp. pp. 11-17 |
| <b>3. Feminist Theory</b>                              |                 |
| <i>Varieties of Contemporary Feminist Legal Theory</i> | FLT pp. 8-16    |

Methodology	pp. 91-97
	FLT pp. 45-54
Difference Theory	pp. 97-101
<i>Cultural Feminism</i>	FLT pp. 18-22
Dominance or Inequality Theory (Radical Feminism)	pp. 108-118
	FLT pp. 22-26
Formal Equality (Sameness) Theory	pp. 119-122
	FLT pp. 16-18
Relational Feminism (Difference Theory II)	pp. 122-133
Pragmatic Feminism	pp. 149-154
	FLT pp. 34-35
Critical Race Feminism & Essentialist Critiques	pp. 169-179
	FLT pp. 26-29
<i>Postmodern Feminism</i>	FLT pp. 36-39
Lesbian Feminism	pp. 209-215
	FLT pp. 29-31
<b>4. Intimate Violence I: Intimate Partner Violence</b>	pp. 203-205
	FLT pp. 179-181
	FLT pp. 189-202
Learned Helplessness and Survivor Theories	pp. 276-290
Notes on Why Men Batter	pp. 294-297
Police Response	pp. 297-307

Battered Women Who Kill Their Abusers	pp. 312-316
	pp. 213-227
(Documentary in class: <u>Defending Our Lives</u> )	
<b>5. Intimate Violence II: Rape</b>	pp. 227-250
The Violence Against Women Act	pp. 316-321
Marital Rape	pp. 250-255
Todd K. Shackelford & Gregory J. LeBlanc <u>Courageous, Compassionate, and Scholarly</u>	Supp. pp. 18-24
Hilary Rose, <u>Debating Rape</u>	Supp. pp. 25-28
<u>Objectivity, She Said</u>	Supp. pp. 29-30
<b>6. Pornography</b>	pp. 359-368
Anti-Pornography Ordinance	pp. 368-391
American Booksellers Association v. Hudnut	pp. 391-402
Mock moot court exercise	
<b>7. Reproduction</b>	
Birth Control	pp. 403-413
	FLT pp. 145-148
Abortion	pp. 418-456
	FLT pp. 128-140
Ayotte v. Planned Parenthood of Northern New England	Supp. pp. 64-70
Voices Brief & Amicus Brief of the National Council of Negro Women	pp. 457-463
Feminists for Life	pp. 475-477

## 8. Gender Differences in Perception and Language

Movie in class, A Jury of Her Peers

Cross-Gender Conversations

Tape in class of Robert Bly and Deborah Tannen

## 9. Intimate Relationships

Heterosexual Marriage, Power & the Politics of Housework pp. 526-537

Same-Sex Marriage, Civil Unions and Domestic Partnerships pp. 564-586

FLT pp. 163-168

Childrearing pp. 587-588

pp. 622-628

Notes pp. 632-634

Maternity Leave and the Family and Medical Leave Act pp. 599-607

Custody of Children pp. 663-683

Lesbian and Gay Parents pp. 683-692

Economic Consequences of  
Divorce, Child Support pp. 692-700

## 10. Gender in the Workplace I

The Model Worker pp. 791-794

FLT pp. 57-61

Maternity Leave and the Pregnancy Discrimination Act pp. 794-812

FLT pp. 61-63

Sexual Harassment pp. 825-846

FLT pp. 66-73

Employer Liability	pp. 850-855
Sexual Harassment in Schools	pp. 760-772
	FLT pp. 115-119
<b>11. Gender in the Workplace II</b>	
Professional Appearance	pp. 857-874
Intersection of Race and Sex	pp. 874-876
	884-888
“Choice” and Equal Work	Supp. pp. 45-53
	FLT pp. 63-66
Comparable Worth	pp. 896-907
<b>12. Gender and the Legal Profession</b>	
Introduction	pp. 905-908
Women and Legal Education	pp. 908-925
Bias Against Women as Attorneys	pp. 926-932
	Notes pp. 935-939
Lawyering in a Different Voice	pp. 939-943
	Notes pp. 949-953
<b>13. Global Feminism and Equality</b>	pp. 1054-1063
Barbara Stark, <u>Women, Globalization, and Law</u>	Supp. pp. 64-79
	FLT pp. 212-227
<b>14. Gender and Popular Culture</b>	Your materials

### Student Responsibilities

Each student is required to:

1. Attend seminar class sessions and participate in discussion. You may ask to “fly free”(attend class but not participate) twice during the semester. Otherwise, please come to class having read the day’s assignment and be prepared to be called on. See criteria below for assessment of class participation.
2. **Submit a two-page experiential paper by Thursday, March 15, 2007.** The experiential paper seeks your reaction to any social, cultural, or political event as an experience about gender. In the past, students have described the gendering in events ranging from viewing movies (“The First Wives Club”) or plays (“The Vagina Monologues,” “Oleanna”) to attending a men’s movement group meeting (mythopoetic, Promise Keepers, profeminist, men’s rights), a political caucus, or a seminar to obtain a home loan. The purposes of the paper are (1) to encourage you to seek knowledge about gender outside the walls of the law school, and (2) to make gender visible in everyday life. This paper will not be graded separately, but the quality of the experiential paper will factor in to my consideration of class participation grades. If the paper is late, your overall grade for the class will be reduced by one half grade. The paper may be no more than two pages.
3. **Bring in something from the mass media**—a newspaper article, cartoon, song, magazine advertisement, photograph, etc.—**on the last two days of class (be ready for either day)**, to share with the class. Be prepared to introduce your material to the class and lead a five-ten minute class discussion of your material.
4. Take a final exam or write a 20 page analytical (not merely descriptive) paper, which will constitute between **75%-100%** of your grade. Class participation will constitute between **0-25%** of your grade. If I cannot meaningfully distinguish among all class participants, I will choose to have your exam or paper comprise the entire grade. I do reserve the right to bump students up for exceptional class performance and to reduce grades for lack of preparation.

### Criteria for Evaluating Class Participation

The following evaluation factors are intended to encourage you to make each seminar session a valuable experience for you and your classmates:

1. Your ability to analytically evaluate and use the assigned readings to enhance discussion—Do the comments exhibit reflection about the material assigned (vs. “top of the head” comments)? Does your discussion demonstrate that you have studied the reading material both receptively and critically: Does it show that you have been willing to accept (at least tentatively) the author’s assumptions and values and to recreate the thought process that led the author from those assumptions and values to the his or her conclusions? Does it show that you have then rigorously—but fairly—tested the author’s assumptions against objective data (including your own experience), decided whether the author’s values are morally acceptable to you, and evaluated whether the article’s arguments rationally leads from author’s assumptions and values to his or her conclusions?
2. Your ability to relate the readings to real life experiences (your own or others’)—Are the comments anchored in the material for the day?
3. Your spontaneous responses to questions and comments from other students—Is there an effort to make the comments connect to the flow of the conversation?
4. Your ability to defend your viewpoints and your openness to considering and exploring alternative points of view—Do the comments indicate a willingness to suspend judgment, possibly modify positions, and tolerate diverse views?
5. Is the comment concise, cogent, original, and to the point? This is the “don’t talk just to hear yourself or take up airtime” category. Uninformed pontificating or musing will not count as a contribution to class discussion.
6. All students are expected to act with professional respect for others.
7. Class participation will be an integral part of this course. Daily attendance counts, but regular class attendance by itself does not constitute good class participation.