

**COURSE SYLLABUS  
WOMEN AND THE LAW (391)  
Professor Golden  
Spring 2014**

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Office Hours: Monday: 1:45 p.m. – 3:45 p.m.  
Wednesday: 1:45 p.m. – 2:45 p.m.  
And by appointment

Please note: there will be no class on 3/31 (Cesar Chavez Day) or 4/7 & 4/9 (Spring Break)

**Moodle**

IT IS YOUR RESPONSIBILITY TO CHECK MOODLE REGULARLY FOR ANNOUNCEMENTS AND OTHER PERTINENT INFORMATION RELATED TO THE COURSE.

**Mission**

The mission of the Department of Business Law is to enable students, through excellence in teaching, to recognize and analyze legal issues arising in the business environment.

**Method of Instruction**

The class will be taught by a combination of lecture and class discussion methods. Students will be called on to answer questions about the reading, and to read their answers to the homework assignments.

**Objectives of the Course**

1. Business Law 391 is designed to provide students with an understanding of the legal environment and culture in which the rights of women and men developed. Students will develop cognitive skills that will allow them to become more integrated and well-rounded individuals by examining particular social and cultural issues from different perspectives. You will then apply those perspectives to real-world situations and explain the deleterious impact and the privileges sustained by sexism, as well as homophobia, in areas such as legal rights, home life and work life through analysis both of court decisions and current events.
2. Students will understand the diversity and multiplicity of cultural forces that shape the world through the study of gender and sexuality, as well as race and class, with special focus on the contributions of and differences between women and men. You will do so by examining different approaches to interpreting how women have been viewed and treated in the legal context, and then learn to analyze case law and legislation using those different theoretical frameworks.

3. You will prepare written analyses of court decisions, answer hypothetical questions in open class discussion, and apply the frameworks to past and current issues to explain how sex and gender in particular impact life experiences and social relations. Ethical issues related to class topics will also be discussed.
4. Throughout the class, students will analyze information and ideas carefully and logically from multiple perspectives and work towards developing reasoned solutions to problems. You will do so by learning to recognize the similarities and the differences in the law, determine the weight and importance of each factor, and develop logical arguments.
5. You will improve your analytical reasoning by completing four papers, all of which will require the application of different frameworks and perspectives, along with your own opinion and analysis of the topic.

### **GE Student Learning Outcomes**

GE SLO #3: Students will describe and explain how race, ethnicity, class, gender, religion, sexuality and other markers of social identity impact life experiences and social relations.

GE SLO #4: Students will analyze and explain the deleterious impact and the privileges sustained by racism, sexism, ethnocentrism, classism, homophobia, religious intolerance or stereotyping on all sectors of society.

### **Classroom Policies**

**Cell phones should be turned off.** Barring emergencies, please do not walk out in the middle of class. **DO NOT** text message or use your laptop during lectures. Lectures may not be recorded. Please wait until lecture has concluded before packing up and preparing to leave. No make-up exams will be given, barring extenuating circumstances. ***Anyone who text messages in class will lose a participation point and may be asked to leave the class.***

### **Class Preparation**

Be prepared to complete one assignment each class. While I will *generally* announce in class how much to prepare for the next class, **it is your responsibility to ensure you have prepared assignments for each class.** Even if we do not complete an assignment, prepare the next full assignment for the next class. Assignments include reading from the text, analysis of cases, and syllabus questions, which must be answered in writing. **You are required** to bring your written answers to class until the material has been reviewed in class. Homework must be submitted on Moodle **no later than 12:30 p.m.** on the day it is due in order for you to receive homework credit. The first set of assignments is included in this syllabus.

### **Course Requirements**

1. Three quizzes: each of the first two quizzes will comprise 10% of the final grade. The third quiz will comprise 15% of the final grade. They will cover the material

indicated on the class assignment list and will be comprised of objective and short answer questions. No make-up quizzes will be given.

2. Final paper: 25% of the final grade. Grading rubric will be provided.

You will be given a subject or articles and will be asked to incorporate class material learned over the course of the semester into your analysis of the material provided. Further instructions will be provided.

**Due: on Moodle Monday, May 12, at 10PM**

3. Class attendance and participation: 10% of the final grade.

Your absence or presence will be noted at the beginning of every class session. There are no excused absences. Arrive to class on time. Three late arrivals will constitute one absence. **If a student is absent for 50% or more of the class sessions, that student will receive a grade of "F" in the course.**

You will be called on at random throughout the semester to answer questions or read your brief. Twice during the semester you may give me a note at the start of class stating that you are unprepared and no negative mark will be made. You must be present in class to give such a note - it is not available as an excuse for an absence. If you are unprepared (and have not submitted a note) or absent when called upon, you will receive an "unprepared" mark. One such mark will be dropped prior to final grading. Any unprepared marks beyond that will cause your final grade to be reduced by 1 point (on a 100-point scale) for each such mark. Additional participation points will be awarded to those students who read their answers to discussion questions.

4. Submitted homework assignments: 10% of the final grade.

Each week you will post the required homework assignments on Moodle.

Assignments are due **no later than 12:30 p.m.** on the day they are due in class.

**Do not** submit assignments in person or via email, unless requested to do so.

You will receive points for completing the homework – the assignments will not be graded. However, in order to receive credit for the questions, your answers should be more than a sentence or two long. Problems should be at least a paragraph long. **Make sure to save a copy of your answers and bring them to class.**

5. Interview report: 5% of the final grade. Grading rubric will be provided.

**Interview a woman who is your grandparents' generation or older.**

a. summarize her life story (include things such as age, birthplace, education, work experience, marital and parental status, effect of a war, such as Korean, Vietnam, Iraq, Afghanistan);

b. discuss the impact of where she grew up on issues such as family, work, politics;

**(instructions continued on the next page)**

c. discuss her view of women's issues in the home, workplace, society from when she was growing up;

d. discuss her view of (including whether or not she experienced) sex discrimination in any form (e.g., treated differently than a brother, male co-worker);

- e. discuss her view of the current state of women's roles in society;
- f. discuss any unusual circumstances she may have encountered (e.g., arranged marriage, officer in the armed forces).

**Format instructions** (2 - 5 points will be deducted for each instruction not followed)

- a. The reports should be four *full* pages, typewritten, double-spaced, 12-point font;
- b. Write in paragraph form;
- c. Number the pages;
- d. Do *not* print on both sides of the page;
- e. Margins should be one inch on *all* sides;
- f. Do *not* leave extra room between paragraphs;
- g. Do *not* include a cover sheet or folder.
- h. Place your name, class and date single-spaced in the upper right corner.

Papers will be graded for form as well as content. You may submit the report early for feedback *but no later than one week before the due date*.

**Due: on Moodle on Wednesday, February 19 at 10 PM**

**NO LATE PAPERS WILL BE ACCEPTED**

- 6. Movie analysis: 10% of the final grade. Grading rubric will be provided.

After viewing the movie *Miss Representation*, you will be asked to apply concepts discussed in class to analyze the movie. You will provide examples of specific issues raised in the movie and your analysis of them. Further instructions will be provided.

**Due: on Moodle on Friday, March 21 at 10 PM**

**NO LATE PAPERS WILL BE ACCEPTED**

- 7. Current event paper: 5% of the final grade. Grading rubric will be provided.

**Requirements**

- a. find one article on U.S. law (not international law) relevant to class material from an appropriate news source (e.g., the LA Times or Time Magazine – not from TMZ or People Magazine);
- b. **do not** use editorials, opinion pieces, or blogs as sources;
- c. I recommend having the article approved by me **no later than one week before the due date** to ensure the articles are appropriate – I will not review articles after that;
- e. the article must have been published within 6 months of the due date of the assignment;
- f. summarize the main point of the article;
- g. explain how it relates to the class;

- h. apply *at least* one of the legal approaches that have been discussed in class to the subject matter of the article; (e.g., what would be the formal equality perspective on the article?)
- i. discuss what is your opinion of the topic and its treatment in the article;
- j. submit a link to the article (the original article is not included in the page limit).
- k. Cite any sources used (in parentheses after the information, footnotes or endnotes; **do not** simply include a works cited page); **FAILURE TO CITE SOURCES WILL TRIGGER PLAGIARISM PENALTIES.**

**Format instructions** – *identical to those listed above for the interview report*  
**EXCEPT** the paper should be 3 – 4 pages long. If only 3 pages, they must be full pages.

**Due: on Moodle on Monday, April 14 at 10 PM**

**NO LATE PAPERS WILL BE ACCEPTED**

### **Communication**

I am generally accessible via email; please allow 24 hours for a response. When sending an email, please address me appropriately (my title is Professor, not “Hey”), indicate which class you are in and sign your email.

### **Extra Credit**

During the semester, there *may* be opportunities for extra credit. However, you should not count on extra credit points as a way of raising your grade.

### **Grading Policies**

**Plagiarism and cheating will not be tolerated.** Any student found to have either submitted work that was not his/her own (this includes either another student’s work or information from an uncredited, on-line source) or cheated on an exam will be given an “F” on the assignment, potentially in the class, and may be referred to the office of student affairs for further discipline. Grades will be given utilizing the grade point scale set forth in the “Regulations” section of the CSUN catalog. Grades are based on a 100 point scale, and plus and minus grading will be used. All cases of cheating result in a grade of “F” for the course and are referred to the Dean’s office for further action.

You *may* work together to discuss the homework questions, but you *must* do your own work. Homework submissions that are too similar will trigger plagiarism penalties.

Please note: the grade reached after averaging the assignments and exams will be the minimum grade you can receive in the course. At the professor’s sole discretion, your course grade may be raised based on class participation and improvement.

### **Class Assignments I**

Text: *Feminist Jurisprudence: Cases and Materials*, 4<sup>th</sup> Edition (Bowman, Rosenbury, Tuerkheimer, Yuracko)

You are responsible for the reading and assignments listed below. The Notes listed at the end of each section may or may not be discussed in class, but all material included in the reading may appear on the exams. Additional reading may be assigned as handouts or on-line sources. Study questions are designed to assist you in briefing cases. ALL HOMEWORK EXCEPT FOR STUDY/DISCUSSION QUESTIONS MUST BE SUBMITTED ON MOODLE. DISCUSSION QUESTIONS MAY BE SUBMITTED ON MOODLE FOR ADDITIONAL HOMEWORK POINTS.

Chapter 1                    **The Historical Background of Feminist Legal Theory**

1.    Read:                p. 1 – 16

Discussion Questions:

- 1.1    What were some important characteristics of the early woman movement? Originally, what movement was it closely tied to and why?
- 1.2    What was the purpose, as well as some of the topics, included in the Seneca Falls Declaration? How does the content of the Declaration compare to your view of the current state of feminism?
- 1.3    Why were married women considered “civilly dead”? What was the process by which women were able to gain some rights, and the problem they faced even after gaining those rights?
- 1.4    What was the significance of Sojourner Truth’s speech?
- 1.5    What was the difference between the NWSA and the AWSA? What argument could be made in favor of each group’s approach to women’s rights?
- 1.6    What happened in the Supreme Court case brought by Virginia Minor?
- 1.7    Why did the suffrage movement become racist? Did it help the movement to become racist?
- 1.8    How was lynching an issue related to the feminist movement? Looking at the overall difference between Black and white suffragists, which group do you think is more similar to feminists today?
- 1.9    When did the suffragists succeed? What finally led to their success?
- 1.10    What led to the split in the women’s movement after the passage of the 19<sup>th</sup> Amendment?

2. Read: p. 17 – 25Questions:

- 2.1 When was the ERA first introduced into Congress? What famous historic document did it echo?
- 2.2 How did state and federal laws treat women and men differently?
- 2.3 Why was it relevant that women couldn’t serve in the armed forces prior to WWII (except for the Navy in WWI)?
- 2.4 Were there any advantages to protectionist legislation? What were some disadvantages?
- 2.5 Who supported and who opposed the passage of the ERA and why? Who do you think would support and oppose the passage of the ERA today and why?
- 2.6 What was the compromise that overcame the division in the women’s movement over the ERA? Explain why it appealed to both ERA proponents and opponents.
- 2.7 What impact did the passage of Title VII of the 1964 Civil Rights Act have on the ERA movement?
- 2.8 Did the House and Senate pass the ERA and was it ratified by the states?
- 2.9 What were the main reasons opposition to the ERA grew? Given the PCSW compromise, do you think it mattered that the ERA didn’t pass?

3. Read: p. 25 – 34Notes: p. 34 – 40 1, 4, 6, 8, 11Questions:

- 3.1 What is the rational basis test? If this test is applied to legislation, what is the likelihood that the legislation will stand?
- 3.2 What is the strict scrutiny level of review? If this test is applied to legislation, what is the likelihood that the legislation will stand?
- 3.3 Why was the *Reed* case important? What did the Supreme Court hold?
- 3.4 What was the issue in *Frontiero*?
- 3.5 What standard did the Supreme Court ultimately apply in *Frontiero*? Which standards were discussed?

Brief: *Geduldig v. Aiello* p. 30Study Questions for *Geduldig*

- S3.6 What was the issue before the Supreme Court in *Geduldig*?
- S3.7 How did the majority support its decision? Explain whether or not you are convinced by the majority’s statement, “While it is true that only women can become pregnant it does not follow that every legislative classification concerning pregnancy is a sex-based classification.”
- S3.8 What was the majority’s view of the plaintiff’s contention?
- S3.9 How did the dissent view disabilities connected with pregnancy compared with other physically disabling conditions?
- S3.10 How did the dissent view the treatment of men and women under California’s disability insurance program?

4. Problems:
- P4.1 Apply both the rational basis test and heightened review to the insurance exclusion in *Geduldig*. Determine if changing the test impacts the outcome of the case.
- P4.2 A maximum-security prison advertises for prison guards, listing two requirements:
- applicants must be at least 5'5", weigh 125 pounds and be able to bench press 70 pounds and
  - applicants must be male.
- Determine what type of claim under Title VII someone would bring to protest the first rule? The second rule?

5. Read: p. 40 – 43  
Notes: p. 43 – 45 1, 2, 4, 5  
Brief: *Craig v. Boren* p. 40

Study Questions for *Boren*:

- S5.1 What was the issue?
- S5.2 What is the standard for constitutional challenges based on sex? How is it different from rational basis and strict scrutiny?
- S5.3 Was the court persuaded by the statistical argument – explain why or why not?
- S5.4 What was Justice Stevens' opinion of the classification?
- S5.5 What is Justice Rehnquist's primary objection to the majority decision?

Discussion Question:

- D5.6 What is your opinion of how this case focuses on discrimination against men instead of against women? Do you think the Court would have reached the same conclusion if women had been discriminated against?

Problems:

- P5.1 City Hall advertises for an administrative assistant for its cranky mayor, specifying it's looking for someone "patient, warm and nurturing" who has extensive administrative experience. George, who worked for a CEO of Ginormous Corporation, applies for the job. He brings a lawsuit against the city when he discovers that Martha (whose primary work experience was as a pre-school teacher) gets the position. What standard will the court apply when considering if the city had a hiring preference for women over men? Explain your answer.
- P5.2 New York City has a stop and frisk rule to cut down on street crime. A civil rights organization brings a lawsuit when it becomes apparent that more Latino and African American men are being stopped than white men. What standard should the court apply when considering the rule? Explain your answer.

6. Read: p. 45 – 51  
Brief: *Personnel Administrator of Massachusetts v. Feeney* p. 45  
Study Questions for Feeney:  
S6.1 What was the issue before the Court?  
S6.2 What is the two-part test that the majority applied to the gender-neutral statute?  
S6.3 Did the Court find discriminatory intent in the statute? Why was this determination important?  
S6.4 What was the Court's conclusion? Might the outcome have been different if the appellee only had to show discriminatory impact instead of discriminatory intent? Why?  
S6.5 What was the dissent's point about the history of women's jobs in the civil service?
- Problem:  
P6.1 How was formal equality applied in *Feeney*? What are some of the problems with the application of formal equality to this situation?
7. Read: p. 51 – 55  
NY Times: Supreme Court Weighs Cases Redefining Legal Equality, 6/22/13  
<http://tinyurl.com/msdphs3>  
SCOTUSblog: Details on *Shelby County v. Holder*. In Plain English, 6/25/13  
<http://tinyurl.com/pj3zsla>  
NY Times: Supreme Court Bolsters Gay Marriage With Two Major Rulings, 6/26/13  
<http://tinyurl.com/m8tqnhb>  
ABC News: Services to Reveal Plans to Integrate Women in Combat, 6/18/13  
<http://tinyurl.com/kxkw6c6>
- Notes: p. 55 – 57 3, 4, 6, 7, 8  
Brief: *Rostker v. Goldberg* p. 51  
Study Questions for Rostker:  
S7.1 What was the issue before the Court?  
S7.2 How did the court distinguish this case from other gender-based discrimination cases?  
S7.3 What was the court's reasoning in reaching its decision?  
S7.4 What does Justice Marshall argue in his dissent?
- Problem:  
P7.1 Explain how the Supreme Court applied formal equality to reach different conclusions in the recent trio of cases (*Shelby County*, *Windsor*, and Proposition 8).  
P7.2 Compare the outcome in *Rostker* with the Pentagon's recent decision to allow women in combat. What were the significant differences? How does the decision exemplify formal equality?

## QUIZ 1