

WOMEN AND THE LAW 422/WOMEN'S LEGAL HISTORY 940
SYLLABUS

SPRING 2018
TU/TH 8-9:15 AM

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OFFICE HOURS: Thursday 9:30-10:30 AM
and Wednesday by Appointment
(Via Scheduling Assistant)

COURSE DESCRIPTION

The purpose of this course is to introduce students to the major themes of women's encounter with the law in American history, and to explore major issues raised via that encounter. We will examine how gender has been produced and shaped by the law, and how that process has been mitigated where gender has intersected with race, class, ethnicity, language, and immigration status. Course materials will include legal treatises, cases, and primary source documents. Students will also read several works of legal history, as well as the writings of legal theorists who have explored the conceptual relationship between gender, race, class, the state, and law. In doing so, we will use theory to guide our analyses of historical problems.

We will examine women and the law from three angles: (1) women as the object of law; (2) women as legal agents; and (3) what a focus on women can tell us about the broader relationship between law, civil society, and democracy.

LAW STUDENTS

Law students/graduate students in the course will be expected to produce a research manuscript of considerable length 20-25 pages, using primary source material that will be publishable as an article. Law Students will meet with the instructor and fellow law students 4 times per semester to develop a project proposal and drafts.

LEARNING OUTCOMES

Teaching, in my view, is a dynamic enterprise. Embedded in this assumption is a belief that student learners learn best when able to explore and challenge ideas—whether those espoused by a revered text, themselves, or the instructor. Hence, students leave my courses with the ability to think critically, argue persuasively, and to apply learned concepts to the analysis of complex social, political, and legal problems. Through the use of primary sources ranging from legal treatises to letters and personal narratives, I encourage students to engage thematic concepts such as citizenship, the role of the state, and rights in the context of historical changes that have occurred across time and space. All discussion is welcome and healthy debate will be encouraged, as long as it is

grounded in thorough reading of assigned texts or analysis of reputable research materials. Finally, student learners will be asked to engage with each other via online formats as a means to supplement classroom instruction and discussion.

By the end of the course students will:

- Understand major currents of change in the legal (as well as social and political) status of women in the United States
- Gain practical skills, including critical thinking and analytical writing and reasoning
- Develop the ability to formulate complex legal arguments useful for the study and practice of law, if applicable.

COURSE READINGS

To purchase materials

Assigned Texts are available at a Room of One's Own, 315 W Gorham. Tel: 608-257-7888. The course pack/reader will be available at the L & S Social Science Copy Center, 6120 Social Science Building, 1180 Observatory Drive, Tel: 262-5396.

Required Texts

Audre Lorde, *Sister Outsider*

Patricia Williams, *The Alchemy of Race and Rights*

Melton McLaurin, *Celia, A Slave*

Carroll Smith-Rosenberg, *Disorderly Conduct*

Martha Hodes, *White Women, Black Men* (Graduate Students Only)

Using Course Reserves and Library Resources

The Course pack is also available via our class Canvas site. Books and articles have also been placed on electronic reserve through College Library. Most of the assigned articles for class are available via HeinOnline and JStor, which can be accessed through the UW Library.

See the attached spreadsheet for weekly readings. Student learners are expected to complete all readings before Tuesday classes.

ASSIGNMENTS AND GRADING

CLASS PARTICIPATION (10%)

Daily, engaged participation is required of all students.

To facilitate discussion, students will be asked to present (2-4 minutes) one of the week's readings along with a partner once per semester.

WEEKLY ASSIGNMENTS (10%)

To facilitate discussion and to help students make their way through the considerable amount of reading for this course, student learners will be divided into groups. Each student is responsible for analyzing a portion of the weekly reading and sharing “notes” on your chosen reading with your study group. Notes should include the citation for the document, should list key points from the document, and provide some brief sketch on the importance of the document in light of other readings for the week/course. Notes should be uploaded in the Group’s Discussion Board on Canvas each week by 9AM on the Monday before class. A portion of your grade will be based on your peer’s review of your performance. Students should be prepared to discuss their “reading” of their chosen document in class.

ANALYTICAL ESSAYS (50%)

Student learners will submit 2 papers 3-5 pages per semester. Students will be expected to respond to an essay prompt where they will be asked to explore the intersections between several of the readings covered in the unit. Instructions will be provided separately.

Due Dates:

Unit 1 Essay: Draft due for in class peer review 2/27
Final Essay due in Drop box 3/6 by 11:59 PM

Unit 2 Essay: Draft due for in class peer review 3/27
Final Essay due in Drop box 4/10 by 11:59 PM

FINAL PAPER (30%)

7-8 pages. Details will be provided later in the semester. Due: May 8, 2018

FINAL GRADE

Final grades will be determined according to the following official UW grading scale:

A 93-100, AB 88-92, B 83-87, BC 78-82, C 70-77, D 60-69, F below 60.

Law students will be graded using the UW Law School Grading Policy.

OFFICIAL POLICIES

CLASSROOM DECORUM

Cell phones, texting, Ipods, PDAs, and their accompanying earpieces are NOT allowed during class in order to facilitate a non-distracting and intellectually productive learning environment. However, laptops will be permitted for the sole purpose of examining course documents online. If student learners are found to be using devices for other purposes, you will forfeit participation points for the week.

ATTENDANCE AND LATE ASSIGNMENTS

All materials must be submitted via Canvas. Papers and exams turned in late will be penalized by ten (10) percentage points for each 24-hour period after the due date. Extensions will only be granted for substantiated emergencies.

ACADEMIC MISCONDUCT (PLAGIARISM AND CHEATING)

The University policy on academic misconduct will be strictly enforced. UWS 14.03 defines academic misconduct to include acts in which a student seeks to claim credit for the work or efforts of another without authorization or citation. Some relevant examples: a) cutting and pasting text from the web without quotation marks or proper citation; b) paraphrasing from the web or written texts without crediting the source; and c) using another person's ideas, words, or research and presenting it as one's own. See www.wisc.edu/students/saja/misconduct/academic_misconduct.html