

Legal Studies 189 Spring 2014
Professor Kathy Abrams
Course Syllabus

Where not otherwise noted, readings are contained in the course reader that is available at Copy Central (Bancroft on Bowditch). The readings which are followed by “bcourses course page” are available on the course page for our class at bcourses.berkeley.edu. The readings which are followed by an URL should be accessed on the internet.

I. Introduction [Jan 23]

Ann Scales, **Legal Feminism: Activism, Lawyering, and Legal Theory** (2006)
[bcourses page]
Martha Chamallas, **Introduction to Feminist Legal Theory** (2003) [bcourses page]

II. Equality Theory

A. Equality Theory: Liberal or “Sameness” Feminism

[Jan 28]

Martha Chamallas, **Introduction to Feminist Legal Theory** (2003). [23-38].

David Cole, Strategies of Difference: Litigating for Women’s Rights in a Man’s World, 2 L & Ineq. 33 (1984). [53-65]

Cary Franklin, The Anti-Stereotyping Principle in Constitutional Sex Discrimination Law, 85 N.Y.U. Law Review 83 (2010) [1-30]

Frontiero v. Richardson, 411 U.S. 677 (1973).

B. Challenges in Application

[Jan 30]

Wendy Williams, The Equality Crisis: Some Reflections on Culture, Courts and Feminism, 7 Women’s Rts. L. Repr. 175 (1982). [entire, 175-200]

United States v. Virginia (VMI), 518 U.S. 515 (1996). [B&H, 359-74].

Sexual Coercion in the Military (bcourses page).

[Feb 4]

Mari Matsuda, When the First Quail Calls: Multiple Consciousness as Jurisprudential Method, 14 Women's Rts. L. Rep. 297 (1992). [entire, 297-300]

Margaret Montoya, Mascaras, Trenzas, Y Grenas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse, 17 Harv. Women's L. J. 185 (1994). [193-98, 201-09]

Christine Littleton, Equality and Feminist Legal Theory, 48 U. Pitt. L. Rev. 1043 (1986-87). [entire, 1043-59]

III. Difference and Care

[Feb 6, Feb 11]

A. Difference Theory: The "Ethic of Care"

Carol Gilligan, **In a Different Voice** (1980). [1-4, 24-65]

Robin West, Jurisprudence and Gender, 55 U. Chi. L. Rev 1 (1989) [12-29, 32-38]

Martha Chamallas, **Introduction to Feminist Legal Theory** (2003). [39-44, 53-62]

B. Difference Theory: Care Work and Social Structures

[Feb 11 (cont'd), Feb 14, Feb 18]

Kathryn Abrams, The Second Coming of Care, 76 Chi-Kent L. Rev. 1605 (2001). [1605-17]

Dorothy Roberts, Spiritual and Menial Housework, 9 Yale J. L. & Feminism 51 (1997). [51-70]

Martha Fineman, Cracking the Foundational Myths: Independence, Autonomy and Self-Sufficiency, 8 Am. U. J. of Gender, Social Policy, and the Law 13 (2000) [17-23, 25-27]

Heather Boushey, Center for American Progress and Joan Williams, Center for Worklife Law, Three Faces of Work-Family Conflict: The Poor, the Professionals and the Missing Middle (2010) [1-10, 60-72]

Sheryl Sandberg, Why We Have Too Few Women Leaders, TED Talk, <https://www.youtube.com/watch?v=18uDutylDa4>.

IV. Dominance Feminism

A. Dominance Theory

[Feb 20, 25, 27]

Catharine MacKinnon, *Difference and Dominance: On Sex Discrimination, and Afterword in **Feminism Unmodified*** (1987). [32-45, 215-28]

Catharine MacKinnon, *Feminism, Marxism and Method: Toward Feminist Jurisprudence*, 8 *Signs* 635 (1983). [646-58]

Catharine MacKinnon, *Reflections on Sex Equality Under Law*, in **Women's Lives, Men's Laws** (2005) [127-46].

MIDTERM – Tuesday March 4

B. Theory in Action: Sexual Harassment

[March 6]

Catharine MacKinnon, **The Sexual Harassment of Working Women** (1979). [1-23].

Tanya Kateri Hernandez, *The Racism of Sexual Harassment*, in Catherine MacKinnon & Reva Siegel, **Directions in Sexual Harassment Law** (2004). [479-95]

Sumi Cho, *Converging Stereotypes in Racialized Harassment: Where the Model Minority Meets Suzie Wong*, 1 *J. of Gender, Race, & Justice* 177 (1997). [182-99]

[March 11]

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).

Rabidue v. Osceola Refining Co., 805 F.2d 611 (6th Cir. 1986).

Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993).