

HIUS 173: Topics in American Women's History
“Gender and Law in U.S. History”
Fall 2009, UC San Diego
Tuesdays, 1:00-3:50pm in HSS 6008

Instructor: Prof. Kelli McCoy
Office: HSS 6017
Office Hours: Tuesdays, 9-10am and 4-5pm or by appointment
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Course Description

This 4-unit seminar will examine the relationship between gender and law from the colonial era to the present, with particular emphasis on the court cases and social/political movements that have shaped and continue to shape the legal relationships between women, men, and the nation. Throughout U.S. history, the struggle for women's rights has challenged and changed the legal system, and has helped to define the meanings of citizenship. The readings for this class will historicize several debates that continue to be controversial today. Among other issues, we will consider the ways in which marriage, reproductive rights, employment, and medical care in the U.S. have been shaped by various intersections of law and gender (combined, in many cases, with race and class). Though we will, in part, examine the overtly political actions of the American women—suffragists, reformers, feminists—who have demanded equal rights, we will also explore the more nuanced ways in which cultural understandings about gender roles have shaped American laws and affected the lives of “ordinary” women in various times, places, and situations. Therefore, the course is organized thematically, rather than chronologically, and the weekly class sessions will focus on students’ thoughtful discussion and analysis of the reading material.

Requirements and Expectations

Because this course is a seminar, a thorough and analytical reading of the assignments is essential to having a productive and enjoyable discussion each week. The writing assignments and grading reflect this emphasis and are aimed at encouraging all students to thoughtfully engage with the course’s themes.

Grading Overview:

Weekly Responses (7 total)	30%
Presentation & Essay	15%
Participation	15%
Research Paper Proposal	10%
Research Paper	30%

Reading Assignments should be read before class on the date listed in the syllabus. Please bring each week’s reading with you to class. All of the articles (but not the books) are available online through UCSD’s subscriptions. (If you are accessing them from off campus, you need to be connected through the proxy server. If you don’t know how to do this, the instructions are on the UCSD library webpage.)

Weekly Responses are a way of rewarding you for thinking thoughtfully and critically about the reading assignments. They are also designed to encourage participation in class discussions; for this reason, they will not be accepted late or outside of class, except in the case of illness or other emergency (in which case please email the professor to discuss the matter as soon as possible).

- 2 pages
- Analyze the main themes from the week's reading and end with a few questions about it to pose to your classmates during the discussion.
- Due on Weeks 2-9, except the week you do your Presentation (7 total)

Each student will do one **Presentation & Essay**. This student will be in charge of starting the discussion about one or more of the assigned readings for that week. We will pick weeks/topics during the first class session.

- 4-5 page essay analyzing the reading assignment
- 10-15 minute presentation of your comments on the reading (you can/should use the material you wrote in your essay for this)
- The presentation should end with some comments and questions designed to stimulate discussion about the reading. (Here are some questions to help you think about this part of the presentation: Is there anything you disagreed with the author about? Is there anything you don't think she/he successfully proved? Do you see this issue relating to other course themes? What aspect of this topic needs more research? Does this, in your opinion, provide a historical perspective on any current issues?)
- Note: your essay is instead of a "weekly response" for this week; don't do both!

Participation is a crucial part of the weekly course discussions, and will consist of your thoughtful comments and questions about the reading. It is, of course, impossible to participate if you aren't in class. (Please let the professor know if you missed class for an excusable reason.)

Research Papers will be written about a course-related topic of your choosing, and will be due at the end of the quarter. **Proposals** will be due in class on Week 4. Detailed guidelines will be handed out in class.

Late work will not generally be accepted. However, if you contact the professor *more than 72 hours before the due date* and explain your circumstances (i.e. an unusual number of assignments due in other classes that week), your request for an extension will be considered. Note that extensions will not be given on the "Weekly Responses," for the reasons given above. Of course, emergencies are an exception to this rule, and will be dealt with depending on the individual circumstances.

Policies

Academic Integrity

The internet provides us with amazing opportunities for online research, and you are strongly encouraged to use the research aids you find there. However, the internet also makes a wide variety of academic dishonesty (plagiarism, cheating) more possible. Please remember that your greatest contributions to this course are your own original thoughts and analyses, and always use quotation marks to distinguish others' words from your own. Academic dishonesty is always unacceptable, and could result in a failing grade for the assignment or course, and in other disciplinary measures from the university. If you ever have any questions about how to cite a source or use an online resource you find, please ask the professor before the assignment is due.

- This is a helpful resource if you want to find out more about what “academic integrity” means at UCSD: “Academic Integrity and You”:
<http://www.ucsd.edu/current-students/academics/academic-integrity/index.html>
- Here is the UCSD Policy on Integrity of Scholarship:
<http://www-senate.ucsd.edu/manual/appendices/app2.htm>

Academic Accommodations: All students can and should succeed in this course, so please let me know if there are things I can do to help you. While all students are expected to meet the minimum standards for this course, I recognize that various situations in students’ lives may result in the need for some accommodations. I am very happy to discuss the options with you if you communicate with me about any problems that may arise or any needs you may have that aren’t being met.

- For more information see: <http://disabilities.ucsd.edu/student/academic-accomodations.html>

Required Texts:

Cott, Nancy F. *Public Vows: A History of Marriage and the Nation*. Cambridge, UK: Harvard University Press, 2002.

Kerber, Linda K. *No Constitutional Right to be Ladies*. New York: Hill and Wang, 1998.

McLaurin, Melton A. *Celia, A Slave*. New York: Avon Books, 1991.

Schoen, Johanna. *Choice and Coercion: Birth Control, Sterilization, and Abortion in Public Health and Welfare*. Chapel Hill: Univ of North Carolina Press, 2005.

Woloch, Nancy. *Muller v. Oregon: A Brief History with Documents*. Boston: Bedford/ St. Martin’s, 1996.

*Assigned articles are noted in the syllabus. These are all accessible online from the UCSD campus or via the UCSD proxy server.

*Brief supplemental readings may be handed out for reading during class time.

Course Outline

Week 1: September 29 **Introduction**

Week 2: October 6 **Early America: Gender in the Home, Church, and Court**

- William Blackstone, “Of Husband and Wife,” chapter 15 in *Commentaries on the Laws of England*. **Read Part III**. <http://www.lonang.com/exlibris/blackstone/bla-115.htm>
- The Trial of Anne Hutchinson
http://www.annehutchinson.com/anne_hutchinson_trial_001.htm
 - Read all the pages (approx. 12) under the heading “The Trial”
 - If you are unfamiliar with Anne Hutchinson, also skim the “Home” and “Biography” sections
- Mary Beth Norton, “Searchers again Assembled,” *Women’s America*, 69-78. *On electronic course reserves
- Linda Kerber, *No Constitutional Right to Be Ladies*, **Preface & Chapter 1, pg. xix-46**
- Nancy Cott, *Public Vows*, **Intro & Chapter 1, pg. 1-23**

Week 3: October 13 **Race and Gender in the 19th Century**

- Melton A. McLaurin, *Celia, A Slave*, **all chapters**.
- Linda Kerber, *No Constitutional Right to Be Ladies*, **Chapter 2, pg. 47-80**.

Week 4: October 20 **Suffrage and the Fight for Women's Rights**

- Linda Kerber, *No Constitutional Right to Be Ladies*, **Chapter 3, pg. 81-123**.
- *United States v. Susan B. Anthony*
<http://www.law.umkc.edu/faculty/projects/ftrials/anthony/sbahome.html>
 - “The Anthony Trial” by Douglas Linder
 - “Anthony Speech on Right to Vote”
 - “The 19th Amendment: Text and History”
 - “19th Amendment Ratification Map”
 - “The Supreme Court on Right of Women to Vote” (regarding the *Minor v. Happersett* case)
- Gerda Lerner, "The Meanings of Seneca Falls: 1848-1998," *Dissent* 45 (Fall 1998): 35-41.
<http://proquest.umi.com/pqdlink?did=35298347&sid=1&Fmt=6&clientId=1561&RQT=309&VName=PQD>
- Ellen Carol DuBois, "Outgrowing the Compact of the Fathers: Equal Rights, Woman Suffrage, and the United States Constitution," *Journal of American History* 74 (December 1987): 836-862. <http://www.jstor.org/stable/1902156>
- **Research Paper Proposals Due in Class**

Week 5: October 27 **The Progressive Era : Equal Rights v. Protection**

- Nancy Woloch, *Muller v. Oregon: A Brief History with Documents*, **3-73, 99-150; 166-185**.
- Michael Willrich, "Home Slackers: Men, the State, and Welfare in Modern America," *Journal of American History* 72 (September 2000): 460-489.
<http://www.jstor.org/stable/2568760>

Week 6: November 3 **Race, Class, & Reproduction, Part I**

- Cornelia Hughes Dayton, “Taking the Trade: Abortion and Gender Relations in an Eighteenth-Century New England Village,” *The William and Mary Quarterly*, Third Series, Vol. 48, No. 1 (Jan., 1991), pp. 19-49. <http://www.jstor.org/stable/2937996>.
- Leslie Reagan, *When Abortion Was a Crime*, Berkeley: UC Press, 1997. **Introduction, pg. 1-18**. Available online at <http://www.theatlantic.com/issues/97may/abortex.htm>.
- Johanna Schoen, *Choice and Coercion*, **Intro & Chapter 1, pg. 1-74**.

Week 7: November 10 Race, Class, & Reproduction, Part II

- Johanna Schoen, *Choice and Coercion*, **Chapter 2- Epilogue**, pg. 75-250.

Week 8: November 17 Marriage and the Nation

- Nancy Cott, *Public Vows*, **Chapter 2-8**, pg. 24-199.

Week 9: November 24 The Legacy of Coverture in the 20th Century

- Linda Kerber, *No Constitutional Right to Be Ladies*, **Chapter 4, 5 & Epilogue**, pg. 124-310.

Week 10: December 1 Contemporary Debates About Law & Gender

- Nancy Cott, *Public Vows*, **Chapter 9**, pg. 200-227.
- Peggy Pascoe, "Why the Ugly Rhetoric Against Gay Marriage Is Familiar to this Historian of Miscegenation," History News Network [online]. <http://hnn.us/articles/4708.html>
- Talbot, Margaret. "Men Behaving Badly." *New York Times Magazine*, October 13, 2002. (<http://www.nytimes.com/2002/10/13/magazine/men-behaving-badly.html>)
- Vicki Schultz, Sex Is the Least of It: Let's Focus Harassment Law on Work, Not Sex," *The Nation*, 5/25/1998, Vol. 266 Issue 19, p11-15. <http://web.ebscohost.com/ehost/detail?vid=1&hid=105&sid=b14602cb-a4aa-40e6-bb06-8377ca98e27b%40sessionmgr104&bdata=JnNpdGU9ZWhvc3QtbGl2ZQ%3d%3d#db=a9h&jid=NAT>
- "Obama Signs Equal Pay Legislation," *New York Times*, 1/29/09 <http://www.nytimes.com/2009/01/30/us/politics/30ledbetter-web.html>
- **Research Papers Due in Class**