

University of Washington School of Law
A533 Feminist Jurisprudence Seminar
Winter 2020
Mon/Wed 1:30-3:20, Room: William H. Gates 207

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Office Hours: MW 3:30-4:30 and by appointment

SYLLABUS

Course Description:

This seminar examines the law's contribution to the historical and current inequality of the sexes, as well as the law's contribution to remedying that inequality. We will consider cases and statutes as instruments of oppression and as instruments of change, through various feminist approaches, including both theoretical frames and strategic implications. We would primarily examine how would U.S. Supreme Court opinions change if the justices used feminist methods and perspectives when deciding cases? To do so, we will study--and attempt to do so ourselves--how scholars participating in the Feminist Judgements Project use feminist theories to rewrite the most significant gender justice cases decided by the U.S. Supreme Court. The seminar meets JD and graduate students advanced writing requirement.

Learning Objectives:

- students will become familiar with a range of feminist legal theories and their applications.
- students will develop their skills in close and critical reading, a process that will often entail exposing gender and other unstated norms and assumptions
- students will enhance their awareness of both the promise and the limits of judicial opinions
- students will develop their skills in research, analysis, and writing—producing a feminist opinion and a commentary along the lines of those presented in the book we will be using. The opinion will allow students both to apply feminist approaches and to experience the type of work that some of them will do in judicial clerkships; the commentary will invite succinct and critical analysis and can provide a valuable writing sample for use with prospective employers. More details about writing requirements appear below.

Textbooks:

- FEMINIST JUDGMENTS: REWRITTEN OPINIONS OF THE UNITED STATES SUPREME COURT (Kathryn M. Stanchi, Linda L. Berger, and Bridget J. Crawford eds., 2016). All students should have a copy to bring to class for purposes of discussing the assigned readings. (Used copies should be available).
- MARTHA CHAMALLAS, FEMINIST LEGAL THEORY (3d ed. 2013). Weekly reading assignments will come from this text. It is on reserve in the library and some used copies should be available for a reasonable price, given the 2013 publication date.
- Optional helpful resource RESEARCH HANDBOOK ON FEMINIST JURISPRUDENCE (Robin West & Cynthia Grant Bowman eds., 2019). This book contains some chapters on various theoretical approaches and others on substantive areas of law analyzed from feminist perspectives. Once you have chosen a case (as explained below) and the approach you wish to use, I encourage you to consult the relevant chapters. The law library has one hard copy of this book on reserve.

Despite all these books have to offer, we cannot cover everything in class. The syllabus below reflects selected coverage that emphasizes feminist approaches with particular salience today. You should feel free to consult unassigned parts of all the books as you undertake your own writing projects.

Grading:

Students' grades will reflect their performance on five components, each of equal weight (20%): (1) contributions to class discussions, (2) first draft of the feminist opinion, (3) final version of the feminist opinion (after feedback and revisions), (4) first draft of the commentary, and (5) final version of the commentary (after feedback and revisions). Criteria used to evaluate written work are, first and foremost, analysis and, then, research and/or support for the analysis, with writing style, grammar, introduction/thesis statement, and citation form also considered. Of course, every student is expected to do original work and to avoid plagiarism.

Throughout the quarter, I hope you will consult me as you develop your writing projects. In particular, I shall be available as you select the case that you wish to "rewrite," formulate your approach, prepare your drafts, and revise them for your final submissions. In order for me to provide helpful individualized feedback, your first drafts must reflect your best and most complete effort to date. Each student will meet with me individually to discuss suggestions for revising the first draft of the opinion. I welcome additional consultations, including for feedback on the commentary. In addition, I hope periodically to devote some class time to the writing projects.

Writing Guidelines:

The FEMINIST JUDGMENTS book (pp. 9-12) provides guidelines for writing your opinions (or feminist judgments) and your commentaries. Please follow those guidelines, including the word limits specified—8000 and 2000 words, respectively—and the limitations on sources.

For the opinions, within the limits of the stated guidelines, you should feel free to make your project distinctively your own. You may select any existing case from any court. You may choose to rewrite a majority opinion or, alternatively, prepare a concurring or dissenting opinion. You may use one of the feminist approaches that we study (or that is covered in the FEMINIST LEGAL THEORY or RESEARCH HANDBOOK ON FEMINIST JURISPRUDENCE books) or, alternatively, develop and apply your own feminist approach. Explaining your reasoning should provide a central focus. If you have a topic in mind but you do not know of or cannot find a case, I will be happy to brainstorm about possibilities.

For the commentary, each student will work with another student's opinion. Although some of commentary must await until first drafts of the opinions are due (2/17), you should be able to start earlier. The commentary includes both contextualizing the opinion by summarizing the original case (which you can do early) and illuminating the theoretical approach used by the opinion author (as described by the guidelines). In this way, the commentary author will be providing feedback to the opinion author—supplementing feedback from me.

Office Hours:

Although I am specifying limited office hours because my schedule this quarter seems to change from week to week, during most weeks I should have plenty of open time for student meetings. When you want to meet with me outside of office hours, please email me so we can select a mutually convenient time. I see one-on-one consultations as an important aspect of the course and welcome the opportunity to talk with you.

Access and Accommodations:

Your experience in this class is important to me. If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs in this course.

If you have not yet established services through DRS, but have a temporary health condition or permanent disability that requires accommodations (include but not limited to; mental health, attention-related, learning, vision, hearing, physical or health impacts), you can contact DRS at uwdrs@uw.edu, 206-543-8924,

or disability.uw.edu. DRS offers resources and coordinates reasonable accommodations for students with disabilities and/or temporary health conditions. Reasonable accommodations are established through an interactive process between you, your instructor and DRS. It is the policy and practice of the University of Washington to create inclusive and accessible learning environments consistent with federal and state law.

Religious Accommodations:

Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW’s policy, including more information about how to request an accommodation, is available at [Religious Accommodations Policy \(https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/\)](https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/) (Links to an external site.). Accommodations must be requested within the first two weeks of this course using the [Religious Accommodations Request form \(https://registrar.washington.edu/students/religious-accommodations-request/\)](https://registrar.washington.edu/students/religious-accommodations-request/)

Law School Attendance Policy:

Under changes to ABA Accreditation Standard 304, adopted in August 2004, a law school shall require regular and punctual class attendance.

Podcasts: Classes will be podcasted.

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Syllabus and Class Schedule:

+	Date	Topics and assigned readings (“FJ” refers to the FEMINIST JUDGMENTS book; “FLT” refers to the FEMINIST LEGAL THEORY book.)
#1	1/6	<p><i>Introductions I: Introducing Ourselves and This Seminar.</i></p> <ul style="list-style-type: none"> • FJ, Chapter 1 (pp. 3-23). Also posted on CANVAS • Skim: Robin West, <i>Introduction to the Research Handbook on Feminist Jurisprudence</i> (on Canvas). On CANVAS
Early	1/8	<p><i>Generations of Feminist Legal Theory.</i></p> <ul style="list-style-type: none"> • FJ, Chapter 2 (pp. 24-51) • FLT, Chapters 1 & 2 (pp. 1-32).
#3	1/13	<p><i>Early Cases: Women and the Public Sphere</i></p> <ul style="list-style-type: none"> • FJ, Chapters 3 & 4 (pp. 55-97) • Optional: skim through the “Brandeis brief” in <i>Muller v. Oregon</i>, which you can find here: https://louisville.edu/law/library/special-collections/the-louis-d.-brandeis-collection/the-brandeis-brief-in-its-entirety; even just seeing its table of contents and format will be helpful.
#4	1/15	<p><i>Early Cases: Women and the Private Sphere</i></p> <ul style="list-style-type: none"> • FJ, Chapters 5 & 6 (pp. 98-136)
#5	1/22	<p><i>The 70s: Liberal Feminism & Equality</i></p> <ul style="list-style-type: none"> • FLT, Chapter 3 (33-49) • FJ, Chapter 8 (pp.146-167)

#6	1/27	<i>The 70s: Liberal Feminism & Equality</i> <ul style="list-style-type: none"> FJ, Chapters 10, 11 & 12 (pp. 185-241)
#7	1/29	<i>The 80s: Limits of Sameness-Difference Discourse; Cultural and Dominance Feminism</i> <ul style="list-style-type: none"> FLT, Chapter 4 (pp. 51-89)
#8	2/3	<i>The 90s and Beyond: Identities & Intersectionality</i> <ul style="list-style-type: none"> FLT, pp. 91-121 of Chapter 5 FLT, pp. 167-201 of Chapter 6
#9	2/5	<i>Uncovering Biases and Assumptions</i> <ul style="list-style-type: none"> FJ, Chapters 16 & 18 (pp. 297-321 & 341-360)
#10	2/10	<i>The 90s and Beyond: Identities & Intersectionality</i> <ul style="list-style-type: none"> FLT, pp. 201-232 of Chapter 6 FJ, Chapter 21 (pp. 408-425)
#11	2/12	<i>The 90s and Beyond: Postmodern Feminism; Situated Perspectives</i> <ul style="list-style-type: none"> FLT, pp. 121-133 of Chapter 5 <i>Skim: Dana Raigrodski, Property, Privacy and Power: Rethinking the Fourth Amendment in the Wake of U.S. v. Jones</i>, 26 B.U. PUB. INT. L.J. 67 (2013), particularly Parts III, IV.C. & V
	2/17	<i>First draft of opinion due at midnight.</i>
#12	2/19	<i>Spotlight on Recent Cases: Gender Based Violence</i> <ul style="list-style-type: none"> FJ, Chapters 23 & 26 (pp. 447-467 & 504-526)
#13	2/24	<i>Spotlight on Recent Cases: LGBTQ Issues</i> <ul style="list-style-type: none"> FJ, Chapters 25 & 27 (pp. 485-503 & 527-46)
#14	2/26	<i>Class presentations and discussions of opinions.</i>
#15	3/2	<i>Class presentations and discussions of opinions.</i>
#16	3/4	<i>Class presentations and discussions of opinions.</i>
	3/4	<i>First draft of commentary due by midnight.</i>
#17	3/9	<i>Class presentations and discussions of opinions.</i>
#18	3/11	<i>Review</i>
	3/22	<i>Final version of opinion and commentary due by midnight.</i>