

WAGS 26: Women and the Law

Amherst College
Prof. Margaret Hunt
Office Hours: Tues 2-4/Wed 2:30-3:30

Chapin 13
Tel. 413-542-2287
mrhunt@amherst.edu

Class Requirements:

1. This is a seminar-style course. Be prepared to talk.
2. 1 to 1 ½ page comment –one per week-- on one or more readings for the first three weeks of the class. These will be ungraded but they *are* required.
3. One short paper (5 pages)
4. One longer paper (10-12 pages). You are required to pass in a “first version” of the long paper. The “first version” is NOT a rough draft or an outline. It should look good and read well and it **MUST** contain references.
 - A. Referencing policy: Rules for Chicago Manual of Style (my preferred referencing style) are on my homepage. You must reference all facts you did not know before starting to research the paper.
 - B. I check “first versions” for plagiarism just as I do for the final version. If you plagiarize in either version you will be turned in to the dean. Claiming that you do not know the rules will not save you (“ignorance of the law is no defense”). When you include footnotes, endnotes or social science references (as you must do) it does not give you license to copy material from books or from the internet with little or no change. When you use someone else’s material you must change both the vocabulary and the word and sentence order substantially. You must make it your own. If you use someone else’s words you must put them in quotation marks. However you should always use quotes sparingly, and it is not acceptable to paste together a paper from lengthy quotes connected by a few words of your own. In most cases you will want to put things in your own words.

Books to Buy (available in Jeffrey Amherst College Store)

Lyndal Roper, *Witch Craze: Terror and Fantasy in Baroque Germany* (Yale University Press, 2004).

Susan Antilla, *Tales from the Boom Boom Room: Women vs. Wall Street* (Bloomberg Press, 2003)

Jo Ann Robinson, *The Montgomery Bus Boycott and the Women Who Started It: The Memoir of Jo Ann Gibson Robinson* (University of Tennessee Press, 1987)

Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United*

States, 1867-1973 (University of California Press, Reprint edition, 1998)

Silja J.A. Talvi, *Women Behind Bars: The Crisis of Women in the U.S. Prison System* (Seal Press, 2007)

E-reserve:

Additional articles and readings are available on the [Blackboard site](#) for the course. Copies of the required books are also on reserve in Frost Library. Five College students should immediately sign up to get online access to Blackboard. You can do this at the Circulation Desk at Frost Library, or at the Computer Center in Seeley Mudd.

WAGS 26: Women and the Law

Meetings and Readings

----- Week 1:

Mon. Jan. 26: Introduction

Wed. Jan. 28: Theorists on gender, race and the law

Nadine Taub and Elizabeth M. Schneider, "Women's Subordination and the Role of Law" in D. Kelly Weisberg, *Feminist Legal Theory: Foundations* (1993): 9-21 ([e-reserve](#))

Kimberlé W. Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43/6 (1991):1241-1299 [here 1-60] ([e-reserve](#))

----- Week 2:

Mon. Feb. 2: Ancient writ

Religious Tolerance.org, "[The Status of Women in the Hebrew Scriptures \(Old Testament\)](#)" and the "[Status of Women in the New Testament Epistles](#)" ([e-reserve](#)). Please get hold of a bible or read it on-line and check Religious Tolerance.org's interpretations. Do they strike you as credible? Do they unfairly take things out of context? I recommend the Revised Standard Version or the King James.

[Muslim Women's League](#), "[Qur'anic References Regarding Women](#)" ([e-reserve](#)). Please use the Muslim Women's League piece as a guide. Look up as many of the references as you can in an actual Qur'an or in one of the many on-line versions of it. Focus especially upon Marriage, Divorce, Sex Crimes and Modesty. The first number in a reference is the surah; the second is the passage in that surah. Thus 4:130 is the 4th Surah, 130th passage.

Also recommended: <http://www.mwlusa.org/topics/list.htm#right>

Wed. Feb. 4: Witchcraft (1)

Lyndal Roper, *Witch Craze: Terror and Fantasy in Baroque Germany*: 15-80

WAGS 26: Women and the Law

(Buy)

----- Week 3:

Mon. Feb. 9 Witchcraft (2)

Roper, *Witch Craze*, 82-178

Wed. Feb. 11: Crime in Eighteenth-century London: The Old Bailey Sessions (1)

We will spend part of today talking about researching and writing papers.

Read online material at:

<http://www.oldbaileyonline.org/static/Value.jsp>

("The Value of the Proceedings as a Historical Source")

<http://www.oldbaileyonline.org/static/History.jsp>

("Historical Background to the Proceedings of the Old Bailey")

<http://www.oldbaileyonline.org/static/Communities.jsp>

(Communities: Blacks, Homosexuals, Jews, Gypsies, etc.)

<http://www.oldbaileyonline.org/static/Gender.jsp#>

("Gender in the Proceedings")

----- Week 4:

Mon. Feb. 16: Old Bailey Sessions Papers (2)

David L. Kertzer, "Syphilis, Foundlings, and Wetnurses in Nineteenth-century Italy" *Journal of Social History* 32/3 (1999):589-602 ([e-reserve](#))

Search *Infanticide* at Old Bailey Online site

Wed. Feb. 18: Old Bailey Sessions Papers (3)

Lynn MacKay, "Why They Stole: Women in the Old Bailey, 1779-1789" *Journal of Social History* 32/3 (1999): 623-639 ([e-reserve](#))

Search *Prostitution* and *Theft* at Old Bailey Online site

----- Week 5:

Mon. Feb. 23: Old Bailey Sessions Papers (4)

Garthine Walker, "Rereading Rape and Sexual Violence in Early Modern England" *Gender and History* 10/1 (1998): 1-25 ([e-reserve](#))

WAGS 26: Women and the Law

Search *Rape* and *Murder* at Old Bailey Online site

*Paper due Sunday, Feb. 22 at 5:00 via e-mail (specify the program you are using, ideally by using the proper file suffix, e.g., .doc) *and in hard copy* left outside my office (13 Chapin Hall).

Wed. Feb. 25: Sharia Law and the Ottomans

Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (2003), 129-142, 176-208 ([e-reserve](#))

Mary Ann Fay, "From Concubines to Capitalists: Women, Property and Power in Eighteenth-century Cairo" *Journal of Women's History* 10/3 (1998):118-140 ([e-reserve](#))

----- Week 6:

*Sunday, March 1 - Film Showing: *Divorce Iranian Style* (1998) by Kim Longinotto and Ziba Mir-Hosseini (80 minutes) to be streamed from CMS (non-Blackboard) WAGS 26 website.

Mon. March 2: Sharia Debates Today (1)

Annelies Moors, "Debating Islamic Family Law: Legal Texts and Social Practices" in Margaret L. Meriwether and Judith E. Tucker, *Social History of Women and Gender in the Modern Middle East* (1999): 141-175 ([e-reserve](#))

Wed. March 4: Sharia Debates Today (2)

Please visit the Women Living Under Muslim Law website and read it with care. Follow the links.

<http://www.wluml.org/english/index.shtml>

Isobel Coleman, "Women, Islam, and the New Iraq," *Foreign Affairs* (Jan/Feb. 2006): 24-38 ([e-reserve](#))

----- Week 7:

Mon. March 9: Sexual Harassment in the Workplace

Susan Antilla, *Tales from the Boom Boom Room: Women vs. Wall Street* (2003): 39-108, 299-311 (the notes - worth looking at) (Buy)

Wed. March 11: Sexual Harassment and Tort Reform

Antilla, *Tales from the Boom Boom Room*: 109-196, 271-294, 312-321 (more

WAGS 26: Women and the Law

notes)

Lucinda M. Finley, "Female Trouble: The Implications of Tort Reform for Women" *Tennessee Law Review* 64/4 (1997):847-879 ([e-reserve](#))

For the other side of tort reform you may want to look at <http://www.atra.org> and Michael Weiss and Cathy Young, "Feminist Jurisprudence: Equal Rights or Neo-Paternalism?" *Cato Policy Analysis* No. 256 ([e-reserve](#))

Charles Hurt, "Senate OKs Tort Reform Measure" *The Washington Times* (Feb. 11, 2005): 1-2 ([e-reserve](#))

Spring Break: Saturday March 16-Sunday March 22

----- Week 8:

Mon. March 23: Race, Gender and Public Accommodation (1)

Barbara Y. Welke, "When all the Women were White, and All the Blacks were Men: Gender, Class, Race, and the Road to Plessy, 1855-1914" *Law and History Review* 13/2 (1995), 261-316 ([e-reserve](#))

Jo Ann Robinson, *The Montgomery Bus Boycott and the Women Who Started It: The Memoir of Jo Ann Gibson Robinson* (1987) (pages to be announced) (Buy)

Wed. March 25: Race, Gender and Public Accommodation (2)

Robinson, *The Montgomery Bus Boycott* (pages to be announced)

Ambe J. Njoh, "Gender-Biased Transportation Planning in Sub-Saharan Africa with Special Reference to Cameroon" *Journal of Asian and African Studies* (1999): 216-234 ([e-reserve](#))

Joel Teitelbaum and Sara Rosenbaum, "Medical Care as a Public Accommodation: Moving the Discussion to Race" *American Journal of Law and Medicine* 29 (2003), 381-394 ([e-reserve](#))

-----Week 9:

Mon. March 30: Abortion (1)

Leslie J. Reagan, *When Abortion Was a Crime: Women, Medicine, and Law in the United States, 1867-1973* (1998), 191-18, 36-131 (read); 132-159 (skim) (Buy)

WAGS 26: Women and the Law

Wed. April 1: Abortion (2)

Reagan, *When Abortion Was a Crime*, 260-192 (skim); 193-215 (read); 216-254 (skim)

Ellen Messer and Kathryn E. May, *Back Rooms: Voices from the Illegal Abortion Era* (1998 2nd edition): 3-10, 31-37, 111-116, 148-157 ([e-reserve](#))

Eyal Press, "My Father's Abortion War" *New York Times Magazine* (Jan. 22, 2006):56-61 ([e-reserve](#))

John Leland. "Some Abortion Foes Forgo Politics for Quiet Talk" *New York Times* (Jan. 16, 2006) ([e-reserve](#))

<http://www.prolifealliance.com/pro-life%20legislation.htm>
(National Pro-Life Agenda website)

Reproductive Rights Conference, Hampshire College April 2-6, 2009
<http://clpp.hampshire.edu/projects/conference/2008/overview>

----- Week 10:

Mon. April 6: Family Violence (1) Crimes of Passion and Intimate Partner Violence in the U.S.A

Callie Marie Rennison and Sarah Welchans, "[Intimate Partner Violence.](#)" U.S. Department of Justice, Bureau of Justice Statistics Special Report (May, 2000), 1-11 and "[IPV, 1993-2001 Crime Data Brief](#)" (both on e-reserve)

Antoinette Davis, "Interpersonal and Physical Dating Violence Among Teens" *Focus: Views from the National Council on Crime and Delinquency* (September, 2008):1-8 ([e-reserve](#))

Melissa Spatz, "A "Lesser" Crime: A Comparative Study of Legal Defenses for Men Who Kill Their Wives" *Columbia Journal of Law and Social Problems* 24 (1991):620-638 ([e-reserve](#))

Wed. April 8: Family Violence (2): Honor Killing in the Middle East

Kathleen Peratis, "Honoring the Killers: Justice Denied for 'Honor' Crimes in

WAGS 26: Women and the Law

Jordan," *Human Rights Watch* 16/1 (April, 2004):1-37 ([e-reserve](#))

James Emery, "Reputation is Everything: Honor Killing Among Palestinians" Worldandi.com ([e-reserve](#)) *Note: This is a very misleading article. It is included here as an example of "stuff that is out there" being represented as "the truth" about the Muslim World. This article comes from a well-known U.S. home schooling site. Please pay particular attention to the rhetoric and the suggestive but misleading statistics.*

Abunimah, Ali, "A Hoax and Honor Lost for Norma Khouri" *Lebanese Daily Star* (August 29, 2004):1-3 ([e-reserve](#))

----- Week 11

Mon. April 13: Sex Work (1)

Ann Lucas, "Women and Prostitution" in Kelly D. Askin and Doreen M. Koenig, eds., *Women and International Human Rights Law* (1999) vol. I, 683-726 ([e-reserve](#))

William Finnegan, "The Countertraffickers: Rescuing the Victims of the Global Sex Trade" *The New Yorker* (May 5, 2008):unpaginated ([e-reserve](#))

Wed. April 15: Sex Work (2)

Janice G. Raymond and Donna M. Hughes, *Sex Trafficking of Women in the United States* (Amherst, Massachusetts, Coalition Against Trafficking in Women, 2005), 1-15 (Introduction) and 93-99 (Recommendations) ([e-reserve](#))

Gretchen Soderlund, "Running from the Rescuers: New U.S. Crusades Against Sex Trafficking and the Rhetoric of Abolition" *NWSA Journal* 17/2 (Fall, 2005):64-87 ([e-reserve](#))

Ronald Weitzer, "The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade" *Politics & Society* 35/3 (2007):447-476 ([e-reserve](#))

----- Week 12:

Mon. April 20: Women, Welfare, Drugs and Incarceration (1)

Silja J.A. Talvi, *Women Behind Bars: The Crisis of Women in the U.S. Prison System* (2007), read whole book.

Wed. April 22: Women, Welfare, Drugs and Incarceration (2)

WAGS 26: Women and the Law

Jill McCorkel, "Criminally Dependent? Gender, Punishment, and the Rhetoric of Welfare Reform" *Social Politics* 11/3 (Fall, 2004):386-410 ([e-reserve](#))

Jill McCorkel, "Embodied Surveillance and the Gendering of Punishment" *Journal of Contemporary Ethnography* 32/1 (Feb. 2003):41-76 ([e-reserve](#))

----- Week 13:

Mon. April 27: Rape and Sexual Assault (1): Peacetime

Carolyn A. Conley, "Rape and Justice in Victorian England" *Victorian Studies* (Summer, 1986): 519-536 ([e-reserve](#))

Kimberlé W. Crenshaw, "Whose Story Is It Anyway? Feminist and Antiracist Appropriations of Anita Hill" from *Race-ing Justice, En-Gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality*, Toni Morrison, ed. (1992) ([e-reserve](#)) [take some initiative to find out something about the Clarence Thomas confirmation hearings and why they engendered such interest from critical race theorists and feminists]

Wed. April 29 Rape and War-crimes

Human Rights Watch/Africa; Human Rights Watch Women's Rights Project *Shattered Lives: Sexual Violence during the Rwandan Genocide and its Aftermath*, 1-65 ([e-reserve](#))

Nicholas Kristof, "Genocide in Slow Motion" *New York Review of Books*, Vol. 53 No. 2 (Feb. 9, 2006): 14-17 ([e-reserve](#))

Kelly D. Askin, "Women and International Humanitarian Law" in Askin and Koenig, eds. *Women and International Human Rights Law* (1999), vol. I, 41-87 ([e-reserve](#))

----- Week 14:

**Sunday May 3: Video showing: *The Vienna Tribunal* (1994) by Gerry Rogers (48 minutes), 4:00 and 7:30, Fayerweather 113.

Mon. May 4: Women's Human Rights in Global Perspective
Discussion of *The Vienna Tribunal*

Charlotte Bunch, "A Feminist Human Rights Lens on Human Security" ([e-reserve](#))

WAGS 26: Women and the Law

Dianne Otto, "A Post Beijing Reflection on the Limitations and Potential of Human Rights Discourse for Women" in Askin and Koenig, eds. *Women and International Human Rights Law* (1999), vol. I, 115-135 ([e-reserve](#))

Please try to discover what the Obama administration (and Secretary of State Clinton) have been doing on the issue of human rights for women. You might start with the U.S. State Department website.

Wed. May 6: Conclusions