**History of Women in the Law**

Danaya Wright

Law 6930, §69DW

352 Holland Hall

[wrightdc@law.ufl.edu](mailto:wrightdc@law.ufl.edu)

352-273-0946

Wed: 4:20-6:20

**Description**: This class will study the legal status of women over the past two centuries through the lens of the Equal Rights Amendment. The ERA was first proposed in Congress in 1923, and it was introduced every year until 1972, but it always stalled in committee, sometimes by Democratic opposition and sometimes by Republican opposition. In 1972, Martha Griffiths used a little-known procedural rule to get it out of committee and to the floor, where it received the required super-majority support. After the ERA was sent to the states, subject to a seven-year deadline for ratification, it received 35 state ratifications by 1978, as the deadline was nearing an end. Everyone thought the ERA was going to pass and all would be good for women, until Phyllis Schlafly began her crusade to stop the ERA. After convincing five states to rescind their ratifications, she helped prevent its final ratification in the remaining undecided states. In 1978, feminists felt that they just needed a little more time to convince conservative state legislatures to ratify, so they asked Congress to extend the deadline, which Congress did by an additional 3 ½ years. Nonetheless, no further ratifications occurred before the June 30, 1982 deadline on the ERA expired. However, in recent years there was a move to finally pass the ERA and Nevada, Illinois, and Virginia ratified it in 2017, 2018, and 2020 respectively. With Virginia’s ratification, all kinds of legal issues have opened up. We will study the ERA itself, the legal status of women before 1972, the changes that have occurred in lieu of the ERA, and what might happen if it is actually recognized as the Twenty-Eighth Amendment.

**Class assignments:** The first three weeks we will all read the same readings and discuss the historical legal status of women in England and the United States. Beginning with the fourth week, we will then have four weeks in which the readings will be divided into four different sets, and groups will be responsible for reading each set and preparing a written summary for the class. During each of these four classes, we will spend roughly fifteen minutes discussing each of the four subjects, led by the groups who prepared the summaries. Then the rest of class will be spent bringing the subjects together. One week in there, 3/9, we will talk about the ERA itself, its passage, the procedural details, and the efforts to stop it. For that week we will have common readings.

Then, the week of 3/23, we will not have class as we will break into different groups to do presentations on one of eight different topics. The week of 3/23 will be used to prepare for presentations. Then the final four weeks of the class will be spent with two presentations each and discussions of the readings, which will consist of each person’s papers on the subject.

Classes meet every Monday from 10:00-12:00 in Holland 359.

**2-Credit Option**

This class is offered for only two credits. To receive those two credits, you will need to attend class every day (you may miss one class), work with your group on each of the four summary papers, do a presentation and write a final paper of at least 15 pages using research that you found. If you would like to receive your Advanced Writing Requirement credit, you will need to write a paper in the neighborhood of 25 pages and do at least one revision.

**3-Credit Option**

If prefer, you may sign up for one credit of independent study with me. The extra work required for the extra credit is that your final paper must be 40-50 pages with suitable additional outside research. Plus, you must be a presenter of one of the subjects covered by the summary group papers in the middle four weeks. Assuming you will want to receive credit for your AWR, you will need to do at least one revision on your paper.

**Grading:**

Final grades will be based on the following work:

20% - 4 summary group papers

15% - Class participation

15% - Presentation of Final Project

50% - Final paper

**Accommodations**: Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to me when requesting accommodations. Students with disabilities should follow this procedure as early as possible in the semester.

**Honor Code**: As you no doubt realize, you are bound by the University of Florida Levin College of Law Honor Code and Conduct Code while in this class. While I strongly support working together in groups, reading what other people have written, and taking advantages of the academic work out there, all submitted writing must be your own.

**Learning Outcomes:** This is an advanced class on a specialized topic. Consequently, the learning outcomes are different than for typical doctrinal courses. The class will focus on the subject matter which is historical, academic, as well as legal in nature. You should have a firm grasp of the legal issues behind the ERA when we are done with the class, but you should also have developed your ability to rise above the technical legal rules to focus on social, policy, and political issues and how they intersect. You will also write a research paper and do class presentations which should assist you in developing skills in public speaking and critical writing.

**Covid Conditions**: Because some of you may be taking this class remotely, but most will be in person, we need to be sensitive to making the class accessible to everyone. This is a discussion class, but those attending online will need to participate and make presentations. I honestly don’t yet know how the technology will be working, but I want those attending remotely to feel part of the class as much as possible. We will take a 10 minute break after about an hour. Stay tuned for details on how the technology will work.

**Preferred Names and Pronouns**: It is important to the learning environment that you feel welcome and safe in this class, and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise.  I would like to acknowledge your preferred name, and pronouns that reflect your identity.  Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name.​ I welcome you to the class and look forward to a rewarding learning adventure together.

You may also change your “Display Name” in Canvas. Canvas uses the "Display Name" as set in myUFL.  The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison."   To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom.  This change may take up to 24 hours to appear in Canvas.   This does not change your legal name for official UF records and it likely will not affect the names I receive because I won’t be using Canvas for this class. Thus, please make the changes in Canvas and also notify me by email.

**Class Preparation**: This class is more like a graduate seminar than a law school class, which means that there will be significantly more reading, but it consists of material that you read differently. Sometimes you will need to read the material closely, but more often you can read it quickly, sometimes even skimming. Nevertheless, it is expected that you will spend at least two hours for every credit hour of class each week. Time writing the papers should not be excessive, but should be sufficient to write a near-publishable quality paper. Class participation is crucial. I don’t want to talk the entire time. Therefore, I need you to have read closely enough to be able to discuss the reading materials critically and apply them to the discussions.

**Grading**: The Levin College of Law’s mean and mandatory distributions are posted on the College’s website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

|  |  |
| --- | --- |
| Letter Grade | Point Equivalent |
| A (Excellent) | 4.0 |
| A- | 3.67 |
| B+ | 3.33 |
| B | 3.0 |
| B- | 2.67 |
| C+ | 2.33 |
| C (Satisfactory) | 2.0 |
| C- | 1.67 |
| D+ | 1.33 |
| D (Poor) | 1.0 |
| D- | 0.67 |
| E (Failure) | 0.0 |

Please be aware that any grade below a B places you at risk of failing the bar exam. This is not meant to scare or intimidate you, but to help you recognize which subjects may require additional bar preparation. More importantly, however, it is meant to give you a sense of how well you are mastering the very specialized skill of legal analysis that we are endeavoring to teach here. Although some of you will receive grades below a B, please use that information to guide your further course choices and to motivate you to take advantage of the many special courses and opportunities we offer to students to improve your analytical skills. And if you get a grade below a B, please come see me next semester to discuss specific challenges you may have.

**Office Hours**: Because I teach another class before this class, I cannot really answer detailed questions just before class. I will be generally available on Tuesday and Thursday mornings, and by appointment almost anytime. Because office hours will be virtual, I will be available on Tuesday and Thursday afternoons from 2:45 until about 4:00, unless it is a faculty senate week, in which case I will be zooming on that. Wednesdays will be hard because I have 2 classes that day to prepare for. In any event, I will be on email every day and you can just send questions or set up a time to discuss things just about anytime.

EMail: [wrightdc@law.ufl.edu](mailto:wrightdc@law.ufl.edu)

Zoom: https://ufl.zoom.us/j/4521739206

**Required Materials**: All required readings will be available on Canvas, identified by week and subject.

**Reading Assignments:**

**8/26** – Background on Women’s Legal Disabilities and Coverture. Read

1. Anon, The Hardships of the English Laws in Relation to Wives (1735) available online at: <https://en.wikisource.org/wiki/The_Hardships_of_the_English_Laws_in_Relation_to_Wives>
2. Also read selections from William Blackstone, The Commentaries on the Law of England, (ed Tucker, 1803), Bk I, Chapters 15 and 16, also available online. <http://oll-resources.s3.amazonaws.com/titles/2140/Blackstone_1387-01_EBk_v6.0.pdf>

**9/2** – Women in Colonial America. Read

1. *Women as Witches, Witches as Women* in Thomas Foster, ed., Women in Early America
2. *Servant Women and Sex* in Thomas Foster, ed., Women in Early America
3. James F. Brooks, “*This Evil Extends Especially . . . to the Feminine Sex”: Negotiating Captivity in the New Mexico Borderlands* and Carol Berkin, *African American Women in Colonial Society*, in *Women's America: Refocusing the Past*. 5th ed., ed. Linda K. Kerber, and Jane Sherron DeHart.

**9/9** – Seneca Falls and the Early Women’s Movement – Read

1. *Declaration of Sentiments and Resolutions*, Seneca Falls (1848).
2. Sojourner Truth, *Ain’t I a Woman* (1851) <https://www.thesojournertruthproject.com/compare-the-speeches/> and Address to the First Annual Meeting of the American Equal Rights Association, avail at: <https://awpc.cattcenter.iastate.edu/2017/03/21/address-to-the-first-annual-meeting-of-the-american-equal-rights-association-may-9-1867/>

And read at least two of the following articles on canvas:

1. *The Emergence of the Nineteenth-Century Domestic Ideal*, chap. 1, Amy Richter, At Home in Nineteenth-Century America.
2. Part 1 in Kathryn Kish Sklar, Women’s Rights Emerges Within the Antislavery Movement 1830-1930.
3. Elizabeth Clark, *The Sacred Rights of the Weak: Pain, Sympathy, and the Culture of Individual Rights in Antebellum America*, 82 J. of Amer. Hist. 463-493 (1995).
4. Sharon Block, *Lines of Color, Sex, and Service: Sexual Coercion in the Early Republic*, in *Women's America: Refocusing the Past*. 5th ed., ed. Linda K. Kerber.
5. Jane Sherron DeHart and Cheryl Harris, *Finding Sojourner’s Truth*, 18 Cardozo L. Rev. 309 (1996) (skim).

**9/16** – Nineteenth Century Reforms in Family Law (Marriage and Divorce), Confinement (Packard Laws), Property (separate trusts, MWPAs), Prostitution

Choose 1 set of readings to work on as a group.

Family Law

Jill Elaine Hasday, *Contest and Consent: A Legal History of Marital Rape*, 88 Calif. L. Rev. 1373 (2000)

Alexandra Murray, Marriage – *The Peculiar Institution: An Exploration of Marriage and the Women’s Rights Movement in the 19th Century*, 16 UCLA Women’s L.J. 137 (2007)

Michael Grossberg, selections from Governing the Hearth

Elizabeth Clark, *Matrimonial Bonds: Slavery and Divorce in Nineteenth Century America*, 8 L. & Hist. Rev. 25 (1990).

Recommended

Nancy Cott, Public Vows: A History of Marriage and The Nation (2001)

Sarah Barringer Gordon, The Mormon Question: Polygamy and Constitutional Change in Nineteenth-Century America (2001).

Confinement

Hendrik Hartog, *Mrs. Packard on Dependency*, 1 Yale J. L. & Hum. 79 (1988)

Selections from The Great Trial of Mrs. Elizabeth P.W. Packard (1865), available at <http://www.gutenberg.org/files/36591/36591-h/36591-h.htm#Page_12>, (read pages 12-41)

Jennifer Rebecca Levison, Elizabeth PW Packard: An Advocate for Cultural, Religious, and Legal Change, 54 Ala. L. Rev. 985 (2003)

Mary Wollstonecraft, Maria: Or the Wrongs of Woman, available at: <https://www.gutenberg.org/files/134/134-h/134-h.htm>

Property

Richard Chused, *Married Women’s Property Law*: 1800-1850, 71 Geo. L. J. 1359 (1983)

Norma Basch, selections from In the Eyes of the Law: Women, Marriage and Property in Nineteenth-Century New York (1982)

Holmes v. Holmes, 4 Barb 295 (1848)

White v. White, 5 Barb 474 (1849)

Birkbeck v. Ackroyd, 74 NY 356 (1878)

Holly McCammon, Sandra Arch & Erin Bergner, A Radical Demand Effect: Early US Feminists and the Married Women’s Property Acts, 38 Social Science History 221 (2014).

Recommended:

Susan Staves, Married Women’s Separate Property in England, 1660-1833 (1990)

Prostitution

John Burnham, The Social Evil Ordinance and other St. Louis material

State v. Clarke, 54 Mo. 17 (1873)

State v. DeBar, 58 Mo. 395 (1874)

Judith Walkowitz, *Male Vice and Female Virtue* in Ann Snitow, ed., Powers of Desire: The Politics of Sexuality (1983).

Gareth Steadman, The Maiden Tribute of Modern Babylon (skim)

Prostitution: *How to Deal With It*, 37 Westminster Review 477 (1870) (skim)

Recommended:

Judith Walkowitz, City of Dreadful Delight

Judith Walkowitz, Prostitution and Victorian Society

Ruth Rosen, The Lost Sisterhood: Prostitution in America, 1900-1918.

**9/23** – Early Twentieth-Century Reforms in Labor Law, Criminal Law, Suffrage, and Birth Control

Choose 1 set of readings to work on as a group.

Labor Law

Reva Siegel, *Home as Work: The First Woman’s Rights Claims Concerning Wives’ Household Labor, 1850-1880*, 103 Yale L. J. 1073 (1994)

Alice Kessler-Harris, selections from Out to Work: A History of Wage-Earning Women in the United States (2003) (chapters 6 & 7)?

Read Linda Kerber, I am Just as Free and Just as Good as You are: The Obligation Not to be a Vagrant, in No Constitutional Right to be Ladies (1998)

Jones, *To Get Out of This Land of Sufring: Black Women Migrants to the North, 1900-1930*, in Labour of Love.

Patricia Cooper, *A Masculinist Vision of Useful Labor: Popular Ideologies about Women and Work in the United States, 1820-1939*, 84 Ky. L. J. 827 (1995).

Recommended

Susan Lehrer, Origins of Protective Labor Legislation for Women: 1905-1925 (1987).

Nancy Woloch, Muller v. Oregon: A Brief History with Documents (1996).

Nancy S. Erickson, *Historical Background of ‘Protective’ Labor Legislation: Muller v. Oregon*, in 2 Women and the Law: A Social Historical Perspective 155-86 (D. Kelly Weisberg ed., 1982)

Ann C. Hill, *Protection of Women Workers and the Courts: A Legal Case History*, 5 Feminist Studies 247 (1979)

Claudio Katz, *Protective* *Labor Legislation in the Courts: Substantive Due Process and Fairness in the Progressive Era*, 31 Law and *History* Review 275 (2013)

Julie Novkov, *Historicizing the Figure of the Child in Legal Discourse: The Battle over the Regulation of Child Labor*, 44 Am. J. Leg. Hist. 369 (2000).

Criminal Law

Brian Donovan and Tori Barnes-Brus, *Narratives of Sexual Consent and Coercion: Forced Prostitution Trials in Progressive-Era New York City*, 36 Law & Soc. Inquiry 597 (2011).

Carolyn Ramsey, *Intimate Homicide: Gender and Crime Control, 1880-1920*, 77 U. Colo L. Rev. 101 (2006).

N.H. Rafter, *Prisons for Women* in Crime & Justice: An Annual Review of Research (ed. Tonry & Morris)

J. Minkes, *Gender, Race, and the Death Penalty*, 45 Howard J. Crim. Justice 403 (2006).

L. Downing, *Murder in the Feminine*: *Marie Lefarge and the Sexualization of the Nineteenth-Century Criminal Woman*, 18 J. Hist. Sex. 121

L. Bland, *Trials and Tribulations of Edith Thompson*, 47 J. British Studies 624 (2006).

Gretchen Ritter, *Jury Service and Women’s Citizenship Before and After the Nineteenth Amendment*, 20 Law & Hist. Rev. 479 (2002).

Recommended

N.E.H. Hull, Female Felons: Women and Serious Crime in Colonial Massachusetts

Freda Alder, Sisters in Crime: The Rise of the New Female Criminal (1975)

Barbara Raffel Price & Natalie J. Sokoloff, eds., The Criminal Justice System and Women: Women Offenders, Victims and Workers (1982)

Kathleen Daly, Gender, Crime & Punishment (1994)

Rita James Simon, Women and Crime (1975)

Dorothy E. Roberts, [The Meaning of Gender Equality in Criminal Law, 85 J. Crim. L. & Criminology 1 (1994)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=0105017959&pubNum=0001173&originatingDoc=Ie7afb0f0d12a11e598dc8b09b4f043e0&refType=LR&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))

Carol Smart, Proscription, Prescription, and the Desire for Certainty: Feminist Theory in the Field of the Law, in Law, Crime and Sexuality: Essays in Feminism (1995).

Suffrage

Manuela Thurner, *Better Citizens without the Ballot: American Antisuffrage Women and their Rationale during the Progressive Era*, 5 J. of Women’s History 33 (1993).

Ronnie Podolefsky, The Illusion of Suffrage: Female Voting Rights and the Women’s Poll Tax Repeal Movement after the Nineteenth Amendment, 7 Colum. J. Gender & L. 185 (1998).

Reva Siegel, The Nineteenth Amendment and the Democratization of the Family, 129 Yale L. J. Forum 450 (2020).

Joellen Lind, Dominance and Democracy: The Legacy of Woman Suffrage for the Voting Right, 5 UCLA Women’s L. J. 103 (1994).

Reva Siegel, *She the People: The Nineteenth Amendment, Sex Equality, Federalism, and the Family*, 115 Harv. L. Rev. 947 (2002).

Recommended:

Aileen Kraditor, The Ideas of the Woman Suffrage Movement

Birth Control, Eugenics, and Sexuality

William Leuchtenburg, *Mr. Justice Holmes and Three Generations of Imbeciles* in The Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt (1995).

Buck v. Bell, 274 U.S. 200 (1927).

Victoria Nourse, *Buck v. Bell: A Constitutional Tragedy from a Lost World*, 39 Pepp. L. Rev. 101 (2011). & Edward Larson, *Putting Buck v. Bell in Scientific and Historical Context: A Response to Victoria Nourse*, 39 Pepp. L. Rev. 119 (2011).

Danielle J. Lindemann, *Pathology Full Circle: A History of Anti-Vibrator Legislation in the United States*, 15 Colum J. Gender & L. 326 (2006).

Mary Ziegler, *Eugenic Feminism: Mental Hygiene, the Women’s Movement and the Campaign for Eugenic Legal Reform, 1900-1935*, 31 Harv. J. L. & Gender 211 (2008).

Edward Larson, I*n the Finest, Most Womanly Way: Women in the Southern Eugenics Movement*, 39 Am. J. Leg. Hist. 119 (1995).

Elizabeth Pleck, selections from Domestic Tyranny: The Making of Social Policy Against

Recommended:

E.S. Gosney and Paul Popenoe, Sterilization for Human Betterment (1929).

Kristin Brandser Kalsem, *Law, Literature, and Libel: Victorian Censorship of “Dirty Filthy” Books on Birth Control*, 10 Wm. & Mary J. Women & L. 533 (2004).

Alfred Brophy, Elizabeth Troutman, *The Eugenics Movement in North Carolina*, 94 N.C. L. Rev. 1871 (2016)

Mary Ziegler, *Reinventing Eugenics: Reproductive Choice and Law Reform After WW II*, 14 Cardozo J. of L & Gender 319 (2008).

**9/30** – Mid-Twentieth Century Reforms – Reproductive Rights, Divorce, Pornography, and Welfare

Choose 1 set of readings to work on as a group.

Reproductive Rights

Reva Siegel, *Reasoning from the Body: A Historical Perspective on Abortion Regulation and Questions of Equal Protection*, 44 Stan. L. Rev. 261 (1992).

Tracy Thomas, *Misappropriating Women’s History in the Law and Politics of Abortion,* 36 Seattle U. L. Rev. 1 (2012).

Leslie Reagan, *Victim or Accomplice?: Crime, Medical Malpractice, and the Construction of the Aborting Woman in American Case Law*, 1860s-1970, 10 Colum. J. Gender. & L. 311 (2001).

Priscilla Smith, *Contraceptive Comstockery: Reasoning from Immorality to Illness in the Twenty-First Century*, 47 Conn. L. Rev. 971 (2015)

Julia Epstein, *The Pregnant Imagination, Fetal Rights, and Women’s Bodies: A Historical Inquiry*, 7 Yale J. L & Human. 139 (1995).

Recommended

Reva Siegel, *Sex Equality Arguments for Reproductive Rights: Their Critical Basis and Evolving Constitutional Expression*, 56 Emory L. J. 815 (2007) and other articles on reproductive rights in this symposium issue.

Reva Siegel and Linda Greenhouse, *Before (And After) Roe v. Wade: New Questions about Backlash,* 120 Yale L. J. 2028 (2011).

Douglas R. Miller, *The Alley Behind First Street, Northeast: Criminal Abortion in the Nation’s Capital, 1872-1973*, 11 Wm. & Mary J. Women & L. 1 (2004).

Anthony Joseph, *The “Pennsylvania Model”: The Judicial Criminalization of Abortion in Pennsylvania, 1838-1850*, 49 Am. J. Legal Hist. 284 (2007).

Divorce

Lynn Wardle, *No Fault Divorce and the Divorce Conundrum*, 1991 B.Y.U. L. Rev. 79 (1991).

Laura Oren, *No-Fault Divorce Reform in the 1950s: The Lost History of the “Greatest Project” of the National Association of Women Lawyers*, 36 Law & Hist. Rev. 847 (2018)

Mary Ziegler, *An Incomplete Revolution: Feminists and the Legacy of Marital-Property Reform*, 19 Mich. J. Gender & L. 259 (2013)

Mary Somerville Jones, selections from An Historical Geography of the Changing Divorce Law in the United States (1987).

Recommended

Katherine Bartlett, *Feminism and Family Law*, 33 Fam L. Q. 475 (1999)

Richard Chused, Private Acts in Public Places: A Social History of Divorce in the Formative Era of American Family Law (1994)

Martha Fineman, The Illusion of Equality: The Rhetoric and Reality of Divorce Reform (1991).

Welfare

Lindon Gordon, selections from Pitied but not Entitled

Melissa Murray, *Whatever Happened to G.I. Jane?: Citizenship, Gender, and Social Policy in the Postwar Era*, 9 Mich. J. Gender & L. 91 (2002)

Michael Willrich, *Home Slackers: Men, the State, and Welfare in Modern America*, 72 J. of Amer. Hist. 460 (2000)

Felicia Kornbluh, *To Fulfill their “Rightly Needs”: Consumerism and the National Welfare Rights Movement*, 69 Radical Hist. Rev. 69 (1997)

Gwendolyn Mink, *Welfare Reform in Historical Perspective*, 26 Conn. L. Rev. 879 (1994)

Recommended

William Novak, The People’s Welfare

Elizabeth Clapp, Mothers of All Children: Women Reformers and the Rise of Juvenile Courts in Progressive Era America (1998)

Angela Onwuachi-Willig, *The Return of the Ring: Welfare Reform’s Marriage Cure as the Revival of Post-Bellum Control*, 93 Cal. L. Rev. 1647 (2005).

Pornography

Donna Dennis, *Obscenity Law and Its Consequences in Mid-Nineteenth-Century America,* 16 Colum J. Gender & L. 43 (2007)

Colin Manchester, *A History of the Crime of Obscene Libel*, 12 J. Legal Hist. 36 (1991)

James Alexander, *Roth at Fifty: Reconsidering the Common Law Antecedents of American Obscenity Doctrine*, 41 J. Marshall L. Rev. 393 (2008)

Lucinda Finley, *The Nature of Domination and the Nature of Women: Reflections on Feminism Unmodified*, 82 NW. U. L. Rev. 352 (1988)

Catharine MacKinnon, *Pornography, Civil Rights, and Speech*, 20 Harv. C.R. – C.L. L. Rev. 1 (1985).

Catharine MacKinnon, *Pornography as Trafficking*, 26 Mich. J. Int’l L. 993 (2005).

Recommended  
Lynn Hunt, ed., The Invention of Pornography: Obscenity and the Origins of Modernity, 1500-1800 (1993).

Donna Dennis, *Review Essay, Obscenity Law and the Conditions of Freedom in the Nineteenth-Century*, 27 L. & Soc. Inquiry 369 (2002)

Catharine MacKinnon, *Pornography as Defamation and Discrimination*, 71 B.U. L. Rev. 793 (1991).

**10/7** – The Equal Rights Amendment – Everyone Read

1. Danaya Wright, “*Great Variety of Relevant Conditions, Political, Social and Economic”: The Constitutionality of Congressional Deadlines on Amendment Proposals Under Article V*, 28 Wm. & M. Bill of Rights J. 45 (2019) **or** Danaya Wright, “*An Atrocious Way to Run a Constitution: The Destabilizing Effects of Constitutional Amendment Rescissions*,” forthcoming 59 Duquesne L. Rev. (2021).
2. Catharine MacKinnon, *Toward a Renewed Equal Rights Amendment: Now More than Ever*, 37 Harv. J. L & Gender 569 (2014)
3. Martha Davis, *The Equal Rights Amendment: Then and Now*, 17 Colum J. Gender & L. 419 (2008).

Recommended:

Catharine MacKinnon, *Reflections on Sex Equality Under Law*, 100 Yale L. J. 1281 (1991)

Paul Taylor, Philip Kiko, *The Lost Legislative History of the Equal Rights Amendment: Lessons from the Unpublished 1983 Markup by the House Judiciary Committee*, 7 U. Md. L.J. Race, Religion, Gender & Class 341 (2007).

Articles in volume 43 of Harbinger

Julie Suk, *An Equal Rights Amendment for the Twenty-First Century: Bringing Global Constitutionalism Home*, 28 Yale J. L. & Feminism 381 (2017)

Gerald Magliocca, *Buried Alive: The Reboot of the Equal Rights Amendment*, 71 Rutgers U. L. Rev. 633 (2019)

**10/14** – No readings – Class discussion to bring all these readings together.

**10/21** – NO CLASS – work on your papers

**10/28** – Paper presentations/Workshops

**11/4** – Paper presentations/Workshops

**11/18** – Paper presentations/Workshops

**11/24** – Paper presentations/Workshops