**History of Women in the Law**

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**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 stalled in committee. In 1972, Martha Griffiths used a little-known procedural rule to get it out of committee and to the floor, where it received a 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 passage. 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 has been a movement to finally pass the ERA and, after Nevada and Illinois ratified it in 2017 and 2018 respectively, Virginia is poised to ratify it and become the 38th state in January, 2020. Assuming that occurs, there will be all kinds of legal issues opening 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 when it actually passes.

**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 10 pages using research that you found.

**3-Credit Option**

Many of you have asked about a 3-credit option. You may all 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 30 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.

**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. 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.

**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 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. If you want, the 30-page 3 credit option papers can count for your senior writing requirement. 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:

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| --- | --- |
| 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 soon after this class ends, I can only spend a limited amount of time after class if you have questions. I will be freely available on Tuesday and Wednesday mornings, and by appointment almost anytime. Please feel free to stop by my office on any days that I am there if you have questions.

**Required Books**:

Joan Hoff, Law, Gender and Injustice: A Legal History of U.S. Women (NYU Press, 1991) (any edition).

**Reading Assignments:**

1/13 – 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>

1/27 – Women in Colonial America. Read

1. Joan Hoff, Law, Gender and Injustice, pp. 49-116

Read one of the following on Canvas or in Hoff:

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.
4. *The Masculinity of U.S. Constitutionalism*, in Hoff, pp. 21-48.

2/3 – Seneca Falls and the Early Women’s Movement – Read

1. Joan Hoff, pp. 117-149
2. *Declaration of Sentiments and Resolutions*, Seneca Falls (1848) in Hoff, 383-387.
3. 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 one 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, and Jane Sherron DeHart and Cheryl Harris, *Finding Sojourner’s Truth*, 18 Cardozo L. Rev. 309 (1996) (skim).