

Syllabus [Title Slide]

Hello. And welcome to Political Science 3301, Gender, Sexuality and U.S. Law. My name is Corey Barwick, and I will be the instructor for this course. Before we go through the syllabus together, let me tell you a little about myself.

Instructor: Corey M. Barwick

I am a PhD student in the political science department here at CU Boulder. I received my Bachelor of Arts in Political Science and Philosophy from the University of Wisconsin Madison in 2009 and then my masters in political science here at CU in 2012. I expect to finish my dissertation this year and will hopefully have a PhD in May of 2016. I have taught six semesters of Introduction to American Politics as a TA and then I have taught as the head instructor both the introduction and advanced courses in political statistics as well as U.S. Campaigns and Elections. My specializations are in American Politics with sub-specializations in Judicial Politics and Law. My secondary specialization is in Political Statistics.

Course Description

I am assuming that since you signed up for this course, you have read the course description. But just in case you didn't, this course will provide both a historic and contemporary overview of how gender and sexual orientation has been treated in the U.S. courts. We are going to cover many topics, which I will mention shortly but I want to talk for a moment about what this course is and what this course is not.

This is going to be an almost strictly legal-oriented course. That means we are going to look at familiar topics such as same-sex marriage, abortion, and affirmative action from a purely *legal* perspective. What does the law say? How would the law apply in different contexts with different facts? Etc. Some of you may be coming from either a sociological perspective or may have taken one or more women's studies courses. These courses tend to be more theoretically driven. For example, scholars in these fields tend to focus on topics such as the conceptions of masculinity and gender as well as feminist thought. If you are looking more for a course on those topics, there are plenty of courses both in the political science department, such as Michael Ferguson's Sex, Power and Politics and in Sociology. I come from a legal background and believe that focusing on the law is the most applicable approach to teaching this course based on the course description. As perhaps many of you already know, this is one of the very few political science courses that fulfills the human diversity requirement for many majors.

Objectives

What do I want you to get out of this course? Hopefully three things:

- Identify key court cases and summarize the major holdings of those cases.
- Choose relevant case law that would govern particular hypothetical cases or even ongoing cases and then compare and contrast the facts of previous cases with those new scenarios.
- Be able explain and defend a position as to which party should win based on case law, which will require finding the relevant law, applying it in a compelling manner and considering counter-arguments or other interpretations of law and explain why those interpretations are incorrect.

Ideally, an "A" student will be able to both write a very short version of a majority opinion to a hypothetical or ongoing case and be able to explain why any dissenting opinions would be fraught with error. That is generally the goal of a constitutional law course and I have adopted that as the primary goal for this class as well.

If you are taking this course simply to fulfill the human diversity requirement, I must warn you: I have very high expectations of my students. This will not be an easy human diversity course. Our discussions will be legally oriented instead of based on political opinions. I neither care about your particular political viewpoints on any of the topics we cover nor is that going to be acceptable based on what the objectives I have laid out for this course actually are. This is a legal-oriented course, and you will be evaluated solely based on your understanding of and ability to apply the law. True, the law is not always black and white. In fact, it rarely is. But if you defend your position using legal principles, then you will have met the objectives for this course.

Communication Policies

Ok. Let's talk about how to communicate with me. The fastest method is through email and my email is corey.barwick@colorado.edu. I will also hold office hours in Chem 370 on Mondays from 1:00PM to 3:00PM. If you do not hear back from me (and you have sent me an email) within twenty four hours, please email me again. Do, however, check the syllabus to make sure your question cannot be answered by an updated version of the syllabus posted on D2L.

Prerequisite

There is technically a prerequisite for this course. It is either the Introduction to American Politics course within the Political Science Department or the Introduction to Feminist Studies in the Women's Studies Department. Neither of these will provide *required* knowledge to take this course. In fact, I even think your textbook starts off with too much assumed knowledge. I am going to, therefore, try my best to get us all on the same page in the first lecture and then continue with the topics of the course. The prerequisite will thus not be enforced.

Textbooks

There are two required texts for this course. The first and primary textbook is called Gender Law & Policy. This is a version of a case law book that has been written to be slightly less technical and designed specifically for advanced undergraduates. I have some qualms about the organization of the book, but overall I think this is a very accessible legal book. It is *extremely* important to acquire the second edition of this book. Case law on this topic changes so rapidly (just take a look at the recent U.S. Supreme Court decisions this summer) that even this book is not quite up-to-date. The second book, called From Disgust to Humanity, is a little more theoretically oriented. I did not want to assign a sexuality law book for two reasons. The first is that this would make the required texts for this course prohibitively expensive, in my opinion, but also because I wanted you to be exposed to a different way this course could be taught. My lectures will still be case law focused, but the readings on sexuality law, based on Martha Nussbaum's book, will be...not quite like reading Game of Thrones...but a little closer to that than the main textbook.

Student Responsibilities

I ask that you always be respectful. You most likely will disagree with your fellow classmates on particular issues – even how the law should handle these issues. Moreover, you will most likely disagree with me on these particular issues as well! I ask that you always be respectful. Disagreement is always healthy but personal attacks are not and will not be tolerated. This has so rarely been an issue for me as

an instructor that I hesitate to still bring it up, but just in case there are some troublemakers out there...just don't do it.

You will be required to turn in five short papers throughout the semester and take the final exam. If you fail to turn in five papers or fail to take the final exam, you will earn an F in the course. You can theoretically pass the course without coming or participating. This is an extremely risky choice; such a choice will substantially harm your grade (15% will be at or near a 0), and will certainly deprive you of a learning opportunity. It is within the guidelines set out by the syllabus.

Evaluation

As suggested by what I just said, you will be evaluated in this course based on your performance on five short papers, your attendance and participation in class, and a cumulative final exam. The final exam is worth 35% of your course grade and more information about that exam will be disseminated to you all toward the end of the semester. Attendance and participation in class is worth 15% of your course grade. And half of your grade will be determined by five short (no more than three pages single-spaced) papers. Each paper assignment will contain two questions. These are either going to be based on hypothetical legal scenarios or ongoing cases on the particular topic for that week. You will be asked to answer both questions. The first paper will be worth 5%, the second, third and fourth will be worth 10% each, and the fifth will be worth 15%. That way, you both get a clearer idea of what my expectations are and how I grade and at the same time not have those initial grades count for nearly as much as the papers written after you have received feedback on previous papers.

There will be a paper assignment each week, but you only have to pick five. You can get all five out of the way in the first five weeks, you can wait until the last five weeks, or you can wait to see if any of the questions or topics you are particularly passionate or interested in and pick those. As long as you write five, I have no preference which five you write on.

I would like to hear your voice each week. I might call on you out of the blue (hence having come prepared is pretty important). As long as you talk every now and then, you should be fine. Missing one class will substantially affect your grade because it is the equivalent of missing slightly more than three classes!

Submission and Late Work

You will be required to submit every assignment through D2L but I would like a paper copy as well. Make sure to submit it in proper submission formats and how to do it. When it comes to late work, I cannot accept any. This is for two reasons. The first is that you have the *option* of picking which papers you want to write. If a particular week is bad for you, you do not have to write a paper that week. I believe all students are more than capable of turning in five papers, on time, given the flexibility in *when* you choose to write them. For discussion, late posts will not be graded because if I was lenient on posting time, discussions might be of significantly poorer quality and that will be less desirable for a positive learning experience. This is the equivalent of a classroom discussion and needs some manner of timeliness to work well, in my opinion.

Course Schedule

We are almost done! I will go over briefly the topics we will cover in this course, and then we will dive right in. I am going to cover gender law first, then sexuality law. Gender law developed first and I have tried an organizational approach that blends the two and find it is more confusing than breaking the two major legal areas into separate topics. Within gender law, I am going to start out with getting us all on

the same page. This includes answering questions such as “What is law?” and “What is the Fourteenth Amendment? Why was it passed and how is it interpreted, broadly speaking?” I am then going to go into the history of how women were treated in the law, followed by topics such as sex discrimination in the workplace, affirmative action, sex discrimination in education and sports, sexual harassment and domestic violence, sex and consent laws, as well as pregnancy and autonomy (i.e. abortion) law.

I will then switch gears and talk about sexuality law, starting out with the, at this point, historical sodomy laws, going into same-sex parenting, discrimination in the workplace, and same-sex marriage. I will then try to cover some very specialized legal topics that are related to sexuality and sex in general such as sex clubs, public sex, and pornography. And in the final week, I’ll cover laws about women and gays in the military, the burgeoning field of gender identity law, and finally the most controversial topic today, in my opinion: the debate between religious liberty and LGBT equality.

Do you have any questions?