Gender, Sexuality and the Law  
Politics 271  

This course explores the way that law deals with issues of gender and sexuality. These often contested laws and opinions have helped to shape the position and experience of people in the United States. While these issues have been dealt with by legislatures, social movements and bureaucracies, this course will explore the particular constitutional issues that have been raised over time. Please note that this course often deals with sexually explicit material and with very contentious issues. The course also counts for the GSFS major.

The text for the course is Eskridge and Hunter, Sexuality, Gender, and the Law, 2nd ed. Please also purchase the supplement. We will also be reading some of the recent decisions regarding gay marriage and the Defense of Marriage Act that are gradually being processed through the appeals court system. These cases will be provided through the courses Blackboard site.

**Learning Outcomes**

Students completing this course will:

1. Acquire enhanced knowledge of interpreting constitutional law.

2. Learn about the relationship between gender, sexuality and American jurisprudence.

3. Enhance their ability to write coherently and concisely.

4. Acquire skills in formulating consensus and navigating complex issues.

5. Improve their ability to express and defend their viewpoints.

**Assignments**

Grades will be based on the following criteria:

1. Participation (25%) It is crucial that students participate actively in the course. The course will be primarily discussion based while the instructor will outline some of the more difficult legal concepts. Students should feel comfortable discussing some of the more contentious and graphic issues but should do so with a shared respect for human dignity and for your fellow students.

2. Moot Court Participation (30%, 15% for each) Each student will participate in two Moot Court exercises. For each of the exercises two students will be selected to deliver argument to 2-3 “courts” formed from the membership of the class. Each “court” will consider the arguments that will be derived from an actual case.
Each student on the courts will be required to sign onto an opinion, either the decision of the court, a dissent or a concurrence. More details regarding the Moot Court will be discussed early in the course.

3. Take Home Final (25%) A take home final consisting of an eight to ten page essay will be distributed on the last day of class and due during the final exam period.

4. Two Short Papers (20%, 10% for each) Students will write two short five page papers from a list of topics distributed by the instructor.

Grading
The grading scale for the course will be as follows:
A: 93-100%
A-: 90-92%
B+:88-89%
B:83-87%
B-:80-82%
C+: 78-79%
C: 73-77%
C-:70-72%
D: 60-69%
F: 59% and Below

Course Policies
1. The assignments are all due on the dates explained in the syllabus. No extensions will be given except in extraordinary circumstances such as documented medical emergencies. Students who do not turn in the short paper and midterm on the due date will be penalized one full letter grade for each class period following the assignment due date. Students who do not turn in the final on time will be penalized one letter grade for each day the final is not turned in.
2. Use of laptop computers and portable internet devices should be minimized.
3. Students are reminded to consult the College honor code which is available at http://new.oberlin.edu/students/policies/11-Policies-Honor.pdf.
4. Any student with a documented disability should consult the instructor to arrange appropriate accommodation.

Class schedule
M 2/7. Introduction.
W 2/9. The Right to Privacy Part I Pp. 3-23
M 4/5. Theories. Pp. 501-583. OK to skim 520-537, 564-583. Moot Court Papers Due
F 4/16. The Workplace Part II: Lily Ledbetter and ENDA Short Paper 2 Due
W 4/28 Marriage: Vaughn Walker Decision  
F 4/30. Court meet.
Take Home Final Distributed