HISTORICAL PERSPECTIVES ON LAW AND THE FAMILY

University of Pennsylvania Law School
Fall 2014
Mondays, 4:30-6:20

Instructor Contact Information

Professor Serena Mayeri
Office: Gittis 208
Email: smayeri@law.upenn.edu (best way to reach me)
Office Hours: Mondays, 3:00-4:00pm and by appointment. Feel free to contact me with questions at any time. If my office hours are not convenient for you, please stop by my office or email me to set up an alternative meeting time.

Course Description

This seminar takes a historical approach to the legal regulation of families in the twentieth-century United States, with a focus on the post-1960 period. We will explore historical debates over marriage and divorce reform, non-marital families and marriage alternatives, reproduction, domestic violence, child welfare, social welfare policy, sexuality, and the interplay between paid employment and family life. Particular attention will be paid to the role of progressive and conservative social movements (such as movements for racial and economic justice, sex/gender equality, and traditional family values) in advancing or opposing legal reforms. For their final project, students will have options including a substantial research paper or a historiography paper. Other course requirements include active class participation, response papers, and oral presentations.

Course Requirements

Weekly seminar meetings:

Regular attendance and participation in the seminar is expected. To facilitate conversation, please do not use your laptops or other electronic devices during class.

All students are required to write 10 weekly questions about the reading (approx. 125 words or a half double-spaced page), which will count for 15% of your grade. Each student is required to post one thoughtful question about the week’s reading to the course discussion board.
on Canvas by 12:00 AM on the Monday of each seminar meeting. Please come to class having read and considered your classmates’ questions, as well as the weekly reading assignment.

Final project:

Students may write EITHER a historiography paper OR a research paper as their final project. The final paper should be approximately 20-25 pages in length if not in fulfillment of the senior writing requirement (SWR); 25-35 pages in length in order to fulfill the SWR. Each student will give an oral presentation of his/her project at some point during the semester. Final papers are due on Thursday, December 18, 2014 by 5:00pm. Please see below for additional deadlines. A separate handout will describe the paper options in greater detail.

Absences:

Your presence and active participation in class each week is integral to our collective seminar experience. If you must miss class, a response paper of 750-1000 words is due by noon on the Monday class is missed unless otherwise arranged with the instructor.

Senior Writing Requirement

Final papers in fulfillment of the senior writing requirement are welcome, with the instructor’s permission. If you are using your seminar paper to fulfill this requirement, the paper you turn in on December 18, 2014 will be the basis of your seminar paper grade and will serve as the first draft of your SWR. In order to receive SWR credit for your paper, you must submit a final draft of your paper, revised in light of the instructor’s comments on your first draft, by March 13, 2015.

Grading

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<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Class participation</td>
<td>20%</td>
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<tr>
<td>Weekly Discussion</td>
<td>15%</td>
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<tr>
<td>Questions</td>
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<tr>
<td>Presentation</td>
<td>15%</td>
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<tr>
<td>Final paper</td>
<td>50%</td>
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(Late papers will be down-graded.)
Course Materials and Logistics

Most readings will be available on Canvas. Please purchase the following books, which are available online for a reasonable price. The date by which you will need to have read the first portion of the books are listed parenthetically. I will also place a copy of each of these books on reserve in Biddle Law Library.


Preliminary Syllabus

(subject to change)

Monday, September 8: Introduction; Marriage and Citizenship I


Monday, September 15: Marriage and Citizenship II


Brief of Historians of Marriage Nancy F. Cott et al., *Baskin v. Zoeller* (same-sex marriage case).

Monday, September 22: NO CLASS (faculty retreat)

No assigned reading. Please use the extra time to conduct preliminary research on potential final paper topics. Paper topic brainstorms are due on Friday, September 26.

Monday, September 29: Feminist Revolution and Reaction

Stone-Blackwell Marriage Protest


Serena Mayeri, “‘The First Order of Business’: Feminists Challenge Male Supremacy in Marriage, 1971-75” (excerpts from draft chapter-in-progress).


Monday, October 6: Divorce and Its Discontents

Joanna Grossman and Lawrence W. Friedman, Inside the Castle, Chapter 8 (pp. 159-180 only), and Chapter 9: Economic Consequences of Divorce.


Friday, October 10: Paper Topic Statements Due
Monday, October 13: Non-Marriage


Serena Mayeri, “Marital Supremacy and the Constitution of the Non-Marital Family” (draft article-in-progress).


Martha Jane Kaufman and Katie Miles, “Queer Kids of Queer Parents Against Gay Marriage!”

Monday, October 20: Poverty and Family, Welfare and the State


Monday, October 27: Families and Care, Work and Commodification


Friday, October 31: Paper Outlines Due

Monday, November 3: Reproduction

Readings TBA

Monday, November 10: Parents and Children


Monday, November 17: Families and Borders, Sovereignty and Citizenship


Monday, November 24: Topic and Readings TBA

Monday, December 1: Presentations

Thursday, December 18: FINAL PAPERS DUE