**Gender, Law & Politics, Spring 2016**

**Unit 1: The Legal Construction of Gender**

**Assignments 1 & 2**

**Readings available at** [**http://faculty.uml.edu/sgallagher/gender\_law\_politics\_2.html**](http://faculty.uml.edu/sgallagher/gender_law_politics_2.html)

**Note:** These questions are strictly designed to ensure that you are keeping up with the readings.  Consequently, your answers may be brief and need not include analysis or background information.

**Assignment 1:** Please answer the questions below and email your responses to me by midnight on Tues, 1/26:

**Instructions:**  Copy and paste the questions below into the body of an email.  Type in answers, proofread, run spell check, then email your work to susan\_gallagher@uml.edu.  Please do not send homework in an attachment.

1. How does Marilynn Salmon define “coverture” in “The Legal Status of Women, 1776-1830?”

2. Define the difference between “sex” and “gender.”

3. In a few sentences, summarize the Supreme Court’s ruling in *Bradwell v. Illinois*.

**Assignment 2,** due via email by midnight on Tues, 2/2.  Please bring a copy of your completed assignment, either on paper or on screen, to class on Wed, 2/3.

Assignment: (Copy and paste missing text from readings.)

**1.** "Recent inventions and business methods call attention to the next step which must be taken for the protection of the person, and for securing to the individual what Judge Cooley calls the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_." Instantaneous photographs and newspaper enterprise have invaded the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; and numerous mechanical devices threaten to make good the prediction that "what is whispered in the closet shall be proclaimed from the house-tops.""

**2.** "Godkin, Warren, and Brandeis all reached back into history to prove the venerable heritage of the right to privacy, and all three stressed that the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ made it necessary to invent new protections for this ancient right. On the one hand, they argued, technological development had vastly increased the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. On the other, the progress of civilization had deepened men's delicacy of feeling, making them more susceptible to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_."

**3.**"No legislation specifically designed to protect the right to privacy was passed until after the turn of the century. However, the courts recognized a man's right to control public disclosure of his family affairs in various rulings on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. In 1868, noting that "the subject is at sea," the Supreme Court of North Carolina tried to fix the boundaries between "\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_" in State v. A.B. Rhodes. The question at issue was the degree of physical chastisement that husbands would be permitted to inflict on their wives, and, without countenancing any severe or lasting injury, Judge Edwin Godwin Reade held that in cases such as that before him, in which the wife had not been permanently harmed, the state should \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**4.** "During the late nineteenth century, as the right to privacy was increasingly conflated with the protection of family honor, the doctrine of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. On a national level, the most authoritative expression of this opposition was set forth in 1873, when the Supreme Court upheld a lower court's rejection of Myra Bradwell's application for a license to practice law. Drawing on what had become the standard language of antipathy towards the women's movement, Justice Joseph Bradley, writing for the majority, held that women \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, both because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ."

**5.** "The doctrine of separate spheres excluded women from public affairs, not only by denying or limiting their access to the courts, voting rights, higher education, and the professions, but also by defining the female body as a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_."

**6.** "The controversy arose after Rochester Folding Box Co., working with Franklin Mills Flour Co., obtained a photograph of Abigail Roberson, who was still a minor, placed it on an advertising poster, and circulated thousands of copies throughout New York and other states. Roberson claimed that, after the poster was "conspicuously posted and displayed in stores, warehouses, saloons and other public places," people who recognized her picture \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Since Rochester Folding Box had never sought her permission and refused to stop circulating the poster, Roberson sued for $15,000, asserting that damages were due for the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_."

**7.** "In Muller v. State of Oregon, the US Supreme Court ruled that the governmental interest in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_, and upheld an Oregon law limiting the hours that women employed in factories and laundries could work."

**8.** " Second, the protections won in Muller and similar cases were based on \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Women workers were given \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ than men, but in exchange \_\_\_\_\_\_\_\_\_\_\_\_\_\_that was guaranteed by the Constitution. (Muller's brief argued that women should be treated equally with men and given the same freedom of contract.) Following the success of women's protective legislation, the women's movement in the United States was split between those who favored protecting women and those who favored equality between the sexes.