



Gender, Law & Politics

Instructions & Materials for Presentations & Papers

You can use any of the thesis statements below as is, change any according to your liking, or compose one on your own. In any case, you must include the statement that you plan to use for your presentation and final paper along with your midterm exam. If you compose your own statement, you must also send me links to the sources that you plan to use.

Remember that the thesis statement is the only part of your paper that you are not required to write in your own words. No other part of the paper may be copied without attribution from an external source. If you plagiarize any part of your paper, you will automatically fail the entire course.

Note: You must consult the [Term Paper Checklist](#) before you submit any work.

Typical Formula for Thesis Statements:

1st Sentence - General Observation: "Scholars once believed..."

2nd Sentence – Qualification: "In recent years, however, ..."

3rd Sentence - Statement of Strategy: "By..., this essay will show..."

Web page option: If you are experienced in web design, and your grade on the midterm was "C" or above, you may create a web site instead of writing a final paper. If you choose this option, you must design the web site so that it achieves the same purpose as the paper, which is to support a thesis with reliable evidence, and to draw a conclusion based on research. You do not have to include as much text in your site as you would in the paper, but the text must be sufficient to show that you researched your topic carefully and that your perspective is based on evidence. You must also avoid grammatical and factual errors just as you would in a conventional term paper. Finally, you must check with me before you start working on your site, and you must also send me the URL of your site at least two weeks before our final class.

Thesis Statements

- The women who drafted the *Declaration of Sentiments and Resolutions* at the Seneca Falls Convention in 1848 followed the outline of the Declaration of Independence in order to dramatize the political significance of their cause. However, in the popular press, government, and in religious and intellectual circles, the implication that women would be willing to sacrifice their lives to promote sexual equality met with scornful ridicule. By

examining how [opponents of women's suffrage responded to women's rights movement](#) that began at Seneca Falls, this essay will show that no matter how militantly women expressed their desire for equality, they were generally not regarded as a threat to the status quo even after they won the right to vote in 1920.

- ➔ One of the most popular [arguments against the women's suffrage movement](#) in the early twentieth century was that granting women the right to vote would inspire them to develop political interests and values opposed to those of men. After the [Nineteenth Amendment passed](#), however, gender did not seem to figure as an especially important factor in determining the outcome of elections. Now, having had the right to vote for nearly a century, women have finally begun to assert themselves as a distinct and powerful segment of the voting population. By examining various races in recent elections, this essay will provide an overview of the ['gender gap'](#) in American politics.
- ➔ Before the Civil War, [abolitionists and supporters of women's suffrage](#) united in a common struggle for equal rights. However, after black men won the right to vote, [a split developed](#) between civil rights leaders and supporters of women's rights. By examining the break between the civil rights movement and the women's rights movement in the aftermath of the Civil War, this essay will explore how this historical split hindered the progress of American society toward increasing political equality.
- ➔ One of the most interesting and overlooked aspects of the [advent of communications technology in American society](#) is that it dealt an unprecedented blow to the supremacy of the testimony of white men in courts of law. Previously, the word of a white man would almost always carry more weight than that of a woman, a child, or an adult male member of a minority group. In order to explore the anxiety created by the introduction of visual and audio evidence into the American legal system, this essay will examine the first Supreme Court ruling on wire tapping, *Olmstead v. United States*.
- ➔ The separation between private and public life stands out as one of the most persistent themes in historical, philosophical, and sociological studies of family relations, gender segregation, and sexual discrimination. By describing a few of the social and political implications of the [public/private dichotomy](#), this essay will explain how this separation has helped to reinforce the subordination of women within both the home and the workplace.
- ➔ During the 1970's, many women demanded liberation from their traditional roles as housewives and mothers in order to compete alongside men in the marketplace. The subsequent [increase in the percentage of women working outside the home](#) shows that this demand was largely met. However, an examination of [economic developments throughout the 1970's and 1980's](#) illustrates that the historical influx of women into the job market can be more accurately described as a matter of economic necessity than as a process of collective liberation or an expression of personal choice.
- ➔ For nearly two centuries, white men routinely received preferential treatment in almost every aspect of American life. If, for example, a white man and a black woman applied for any desirable position, the white man would almost always be hired even if the black

woman was more qualified. Partly as a result of this preferential treatment, poorly educated and unskilled white men used to fare better than women and minorities did in the American economy. In recent decades, however, [de-industrialization and global competition](#) have made it increasingly [difficult for lower-class white men to find good jobs](#). By tracking [structural changes in the economy](#) over the past few decades, this essay will show that the difficulties faced by unskilled white male workers have arisen not, as many believe, because previously excluded groups have been unfairly advantaged, but because the jobs that were traditionally reserved for unskilled men are no longer plentiful in American society.

- ➔ In 1972, when [Title IX](#) was enacted to bar gender discrimination in education, opponents claimed that the law would weaken athletic programs for boys without providing any significant benefits to girls. At the time, since hardly any schools supported girls' participation in organized athletic activities other than cheer-leading, it was hard to imagine a world in which girls could choose to play hockey, soccer, and other sports, and it was even more difficult to envision girls and women competing for athletic scholarships. Now, over [forty years later](#), as girls' and women's sports have evolved into selling points for schools and universities, and various women's teams routinely receive national and international attention, it turns out that the positive [results of Title IX extend far beyond the gym and the playing field to improve women's lives](#). By summarizing recent scholarship, this essay will outline the unexpectedly profound and lasting social benefits that can be traced to the passage of Title IX.
- ➔ In 1965, in [Griswold v. Connecticut](#), the Supreme Court overturned state laws forbidding the use of contraceptives by married couples. In the [majority opinion](#), Justice William O. Douglas, declared, "specific guarantees in the Bill of Rights have penumbras, formed by emanations from those guarantees that help give them life and substance... Various guarantees create zones of privacy... The present case, then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees." By explicating the legal and historical reasoning behind Douglas's conception of the ["zone of privacy"](#), this essay will show how [Griswold v. Connecticut](#) shaped subsequent rulings on contraception and abortion.
- ➔ In 1986, in [Bowers v. Hardwick](#), the Supreme Court upheld state laws against homosexual sexual activity with the argument that the Constitution does not confer a fundamental right upon homosexuals to engage in sodomy. According to the [majority opinion](#), "None of the fundamental rights announced in this Court's prior cases involving family relationships, marriage, or procreation bear any resemblance to the right asserted in this case. And any claim that those cases stand for the proposition that any kind of private sexual conduct between consenting adults is constitutionally insulated from state proscription is unsupported." By comparing the reasoning in this case with previous rulings, this essay will explore how [Bowers](#) evolved from the Court's traditional assumptions about [gender, privacy, and the regulation of sexual activity](#).

- In 1973, in *Roe v. Wade*, the Supreme Court granted women qualified access to abortion. Since then, anti-abortion forces have steadily **reduced the scope of abortion rights**. In [provide date], for example, [Name state or Supreme Court case and provide brief description of law or ruling]. By summarizing **landmark cases** and **restrictive state laws** enacted after *Roe v. Wade*, this essay will provide a brief history of decreasing access to reproductive choices in the United States.
- In 1973, in *Roe v. Wade*, the Supreme Court included the decision to obtain an abortion within a general **zone of privacy** that is implicit in various amendments to the Constitution. Although privacy rights had been evolving throughout the twentieth century, the boundaries between **public and private are often difficult or impossible to fix**. By examining the logic used in this landmark decision, this essay will explore the problems inherent in defining access to abortion as a subset of privacy rights.
- In 1998, in his testimony before the Starr Grand Jury, President **Bill Clinton suggested that Anita Hill** should never have been allowed to levy charges of sexual harassment against Clarence Thomas before Thomas was appointed to the Supreme Court. Although Clinton's views are extreme, his remarks illustrate that **sexual harassment** has yet to be fully recognized as a serious offense. By examining a **few representative cases**, this essay will show that sexual harassment statutes have never been clearly defined or firmly established within the lexicon of American law.
- In recent years, Internet entrepreneurs began to offer a remarkable service: **matching human egg donors** with prospective parents by broadcasting profiles on the web. Although this relatively new industry has yet to receive much attention from ethicists and lawmakers, the **buying and selling of genetic materials** raises profound moral issues. After all, if we tolerate a trade in human eggs, it is difficult to imagine why eyes or fetuses or kidneys should not be offered for sale. While such weighty moral issues cannot be settled here, I will provide some insight into this phenomena by describing **what donors can expect to receive and what buyers are willing to pay** for various types of eggs.
- One of the most painful consequences of rape and sexual assault is the tendency among some victims to imagine that they somehow invited or provoked the attack. [Insert example or common scenario.] By examining the way our legal system deals with sexual violence, this essay will explain why so many victims tend to blame themselves.
- Reasons for **continuing disparities** between what men tend to earn and what women tend to earn in similar jobs include assumptions about women's needs, time spent bearing and raising children, pressures on female heads of households, the decline of the labor movement, inequities in the social welfare system, and the crisis in health care, along with other major factors. By describing the way a few of these factors affect different populations of **working women**, this essay will show how unlikely it is that the U.S. will achieve pay equity any time soon.
- The face of organized crime in America has changed throughout history. Despite these shifts, ideas about family and loyalty have remained a persistent feature of the culture of

organized crime. By outlining major aspects of the history of organized crime in the late twentieth century, this paper will explore the ways in which traditional views of the family have shaped the Mafia and other criminal organizations.

- In *Romer v. Evans* (1996), the Supreme Court struck down statutes designed to discriminate against gays and lesbians. In a *snarling dissent*, Justice Antonin Scalia declared,

In holding that homosexuality cannot be singled out for unfavorable treatment, the Court contradicts a decision, unchallenged here, pronounced only 10 years ago, see *Bowers v. Hardwick*, (1986), and places the prestige of this institution behind the proposition that opposition to homosexuality is as reprehensible as racial or religious bias. Whether it is or not is precisely the cultural debate that gave rise to the Colorado constitutional amendment (and to the preferential laws against which the amendment was directed). Since the Constitution of the United States says nothing about this subject, it is left to be resolved by normal democratic means, including the democratic adoption of provisions in state constitutions. This Court has no business imposing upon all Americans the resolution favored by the elite class from which the Members of this institution are selected, pronouncing that "animosity" toward homosexuality is evil.

By placing the decision in this case within the context of *earlier rulings on sexual privacy*, this paper will show that Scalia's dissent was entirely consistent with the Court's previously expressed philosophy on the regulation of sexual activity.

- In *Michael M. v. Sonoma County* (1981), the Supreme Court ruled that in contrast to race-based distinctions, "gender-based classifications are not "inherently suspect" so as to be subject to "strict scrutiny," but will be upheld if they bear a "fair and substantial relationship to legitimate state ends." By summarizing the facts of this case and *outlining the legal reasoning* within the Court's decision, this essay will attempt to distinguish the difference between *gender-based* and *race-based classifications* in American law.
- In *Rostker v. Goldberg* (1981), the Supreme Court ruled that exempting women from the military draft while requiring men to register was not a form of "invidious" gender discrimination. According to the majority opinion, the "Constitution requires that Congress treat similarly situated persons similarly, not that it engage in gestures of superficial equality." By explicating the *now plainly problematic reasoning* used to support the majority opinion, this essay will survey the Court's shifting views on gender-based classifications.
- In 1986, in *Bowers v. Hardwick*, the Supreme Court upheld state laws against homosexual sexual activity. According to the majority opinion,

the Constitution does not confer a fundamental right upon homosexuals to engage in sodomy. None of the fundamental rights announced in this Court's prior cases involving family relationships, marriage, or procreation bear any resemblance to the right asserted in this case. And any claim that those cases stand for the proposition that any kind of private sexual conduct between consenting adults is constitutionally insulated from state proscription is unsupportable.

By comparing the reasoning in this case with [previous rulings on privacy](#), this essay will illustrate the profound consistency in the Court's views on the regulation of sexual activity.

- In *J.E.B. v. Alabama* (1994), the Supreme Court ruled that jury selection could not be based on [assumptions about gender](#). In a [separate concurring opinion](#), Justice Sandra Day O'Connor observed,

the import of our holding is that any correlation between a juror's gender and attitudes is irrelevant as a matter of constitutional law. But to say that gender makes no difference as a matter of law is not to say that gender makes no difference as a matter of fact... Though we gain much from this... we have... diminished the ability of litigants to act on sometimes accurate gender-based assumptions about juror attitudes.

By surveying cases in which [gender might significantly affect various aspects of criminal prosecution](#), this essay will illustrate that O'Connor's distinction between "matters of fact" and "matters of law" reflects a significant problem in our legal system.

- In 2003, in *Lawrence v. Texas*, the U.S. Supreme Court overturned *Bowers v. Hardwick*, a case in which the Court had concluded that homosexuals do not possess any constitutional claim to sexual privacy. Writing for the majority, Justice Anthony Kennedy rejected *Bowers* in part because there is no rational basis to exclude same-sex couples from the [zone of privacy](#) provided to heterosexual couples. Along these lines, Kennedy stressed that *Bowers* was unjustifiably intrusive because it criminalized "the most private human conduct, sexual behavior, and in the most private of places, the home." Without minimizing the significance of *Lawrence* as a victory for gay and lesbian rights, this essay will examine the problematic aspects of Kennedy's view of same-gender relationships as [private concerns rather than public realities](#).
- Before the Supreme Judicial Court of Massachusetts ruled in favor of same-gender marriage in *Goodridge v. Dept. of Health* (2003), opponents maintained that extending the right to marry to same-gender couples posed a threat to marriage as a social and economic institution, in part because gay and lesbian couples cannot procreate as "normal" heterosexual couples do. By summarizing the various arguments that the *Goodridge* Court used to dispose of this objection, this essay will explore how Massachusetts set the stage for [subsequent rulings on marriage equality](#) in other states.

- ➔ In striking down Utah's ban on same-gender marriage in December 2014, Judge [Robert J. Shelby](#), writing for the U.S. District Court for the District of Utah, provided a remarkably clear summary of the previous rulings upon which the opinion was based. In the course of citing various decisions, Shelby drew not only from opinions that had supported marriage equality, but also from Supreme Court Justice [Antonin Scalia's dissent](#) in *United States v. Windsor*, which overturned the [Defense of Marriage Act](#) (DOMA) in 2013. By examining Scalia's arguments in favor of discrimination against LGBT people in *Windsor* and [other cases](#), this essay will explain why his dissent has proved so useful to advocates for the expansion of marriage rights.

- ➔ Supreme Court Justice [Antonin Scalia's dissenting](#) opinion in *United States v. Windsor*, which overturned the [Defense of Marriage Act](#) (DOMA) in 2013, has much in common with his dissent in *Romer v. Evans* (1996), the first case in which the majority held that laws designed to discriminate against gays and lesbians are unconstitutional. But even though these two dissents include similar arguments, they also contain differences that illustrate how much progress the gay rights movement made over the seventeen-year span between them. By comparing and contrasting Scalia's dissents, this essay will show that his previously confident opposition to the expansion of civil rights became increasingly hard to sustain as LGBT advocates shifted from calling for recognition to demanding complete equality under law.

- ➔ In recent years, [same-gender marriage](#) has gained popular acceptance with dizzying speed. One of the primary reasons for this shift in public opinion is that tens of thousands of gay and lesbian couples have tied the knot without [provoking the social collapse](#) that used to be commonly predicted. In fact, as the expansion of marriage rights has produced increasing numbers of [stable and close-knit families](#), many of the arguments that conservatives once used against same-gender marriage have been adopted by its supporters. By recounting how [advocates of marriage equality took the 'family values' mantle away from their opponents](#), this essay will explain why the tables turned so quickly in the national debate.