



# POLI.3200 Gender, Law & Politics

## Term Paper Instructions & Thesis Statements

You must submit a polished first draft and a revised copy of a five-page paper (double-spaced, 11- or 12-point type, formatted in Microsoft Word, .doc or .docx extension). You may use any of the thesis statements below as is, rewrite any as you please, or compose a thesis statement on your own. Please note that the thesis statement is the only part of the paper that you may copy from an external source. If you copy any part of your final paper without attribution, you will receive an "F" for the paper, as well as an "F" in the course.

Before you submit your first draft, you must consult the [Term Paper Checklist](#) to make sure that you have avoided common errors. If you received a "C" or below on your midterm, you must bring your first draft to the Writing Center to review it with a tutor before you send it in. If the quality of your draft suggests that you did not follow this instruction, your grade is likely to be lower than the one you received on your midterm.

### Formula for Thesis Statements:

1. General Observation: "Scholars once believed..."
2. Qualification: "However, recent studies suggest..."
3. Statement of strategy: "By surveying some of these studies, this essay will show..."

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 to dramatize the significance of their cause. However, in the popular press 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 the women's rights movement](#), 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 after 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 aspects of the [advent of communications technology in American society](#) is that it dealt a major 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, child, or an adult male member of a minority group. In order to explore the gender-related anxieties inspired by the introduction of visual and audio evidence into the American legal system, this essay will examine the first Supreme Court ruling on wiretapping, [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 so that they could compete alongside men in the job market. 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 workforce 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 when the black woman was more qualified. Due to 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 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. 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 by arguing 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." By comparing this argument 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 regulatory attention, the [buying and selling of genetic materials](#) raises profound moral question. After all, if we tolerate a trade in human eggs, it is difficult to imagine why eyes or kidneys should not be offered for sale. While such weighty moral issues cannot be settled here, I will provide some insight into this phenomenon 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, 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... 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](#) in the Court's decision, this essay will attempt to distinguish 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. Per 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.

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,

[T]he 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...Today's decision is a statement that... gender is now governed by the special rule of relevance formerly reserved for race.

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 to engage in consensual sexual relations. 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 previous rulings in favor of gay and lesbian unions. 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 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 exhibit differences that illustrate how much progress the gay rights movement made over the seventeen-year span between them. By comparing Scalia's dissents, this essay will show that his previously confident opposition to the expansion of civil rights became increasingly hard to sustain as

gay and lesbian 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 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 increased the number 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.

In recent years, as tens of thousands of gay and lesbian couples have tied the knot without [provoking the social collapse](#) that used to be commonly predicted, opponents of marriage equality have found it increasingly difficult to provide any plausible rationale for their disapproval. [Baskin v. Bogan](#), which overturned same-gender marriage bans in Indiana and Wisconsin in 2014, provides an incisive illustration of the [declining credibility of the arguments](#) that opponents have offered in support of continued discrimination. Written by 7th Circuit Judge Richard Posner, *Baskin v. Bogan* reviews each of these arguments, but rather than merely countering them, sets them on fire and buries the ashes. By evaluating [Posner's effort](#) to annihilate the opposition to marriage equality, this essay will explore the [positive](#) and [negative](#) aspects of his take-no-prisoners approach.

In the aftermath of [decisive victories](#) in the struggle for marriage equality, many organizations dedicated to extending civil rights to all non-heterosexuals have started to focus more intently on [gaining legal protections](#) for transgendered people. To stem this rising tide of tolerance, conservative states such as [North Carolina have introduced legislation](#) specifically designed to encourage discrimination and prevent the further expansion of civil rights. By examining the [controversy over HB-2](#), known as the "Bathroom Bill," in North Carolina, this essay will explain how the law helped to strengthen national support for eliminating all forms of discrimination against the LGBTQ community.



In "[Telling my Son about Ferguson](#)," an op-ed published in the *New York Times* after [an unarmed black teenager was shot dead by a white police officer](#) in Ferguson, Missouri, Michelle Alexander described how hard it was to speak to her son about how he should handle interactions with police. Alexander, author of *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, felt at a loss because she could not reassure him that he would be safe if he were stopped even if he did not present a threat. Alexander's sense of powerlessness is borne out by studies of [race and the perception of threat in law enforcement](#). By examining how police significantly [exaggerate the dangerousness of African American men and boys](#), this essay will explore the role of gender in the use of deadly force by police.

In "[Sandra Bland and the Invisible Plight of Black Women in the Justice System](#)," Carimah Townes describes how the use of deadly force by police in confrontations with African American women has been overlooked as public attention has turned toward police killings of black boys and men. As Townes did, this essay will use the death of [Sandra Bland in police custody in 2015](#) to explore how and why [disproportionate numbers of black women have been mistreated or killed](#), either at the time of their arrest or after they enter the criminal justice system.

After the passage of [Title IX](#) in 1972, the law came to be associated mainly with improving access for girls and women to school-sponsored athletic programs. In recent years, however, the Dept. of Education's Office of Civil Rights (OCR) has turned to [Title IX](#) to promote more effective approaches to preventing sexual misconduct at schools, especially institutions of higher education. [This approach](#) has inspired controversy, not only among [administrators](#), who remain uncertain about how to protect students' rights, but also among [advocates for both the accused and their accusers](#), who question whether schools can conduct fair investigations. By surveying controversial cases, this essay will explore the positive and negative consequences of the OCR's Title IX directives.

Important dates:

[Complete & polished 1st draft](#) due on [Monday, 11/28](#). Revised final paper due on [Monday, 12/12](#).