

Office: Chambers 3014

Hours: MWF 3:30-4:30, Tu 8:30-9:30, and Th 4:00-5:00 by appointment.

Phone: 894-2393

Email: BRSHAW@DAVIDSON.EDU

Texts:

Elinor Burkett, The Baby Boon (Free Press, 2002)

William N. Eskridge, Jr., Equality Practice (Routledge, 2002)

John Stuart Mill, On Liberty and Other Writings (Cambridge, 2000)

David Popenoe, Life Without Father (Harvard, 1999)

Milton C. Regan, Jr., Family Law and the Pursuit of Intimacy (NYU Press, 1993)

Brian C. Robertson, There's No Place Like Work (Spence, 2000)

Karen Struening, New Family Values (Rowman and Littlefield, 2002)

Linda J. Waite and Maggie Gallagher, The Case for Marriage (Broadway, 2001)

Joan Williams, Unbending Gender (Oxford UP, 2001)

The Mill, Popenoe, and Struening books are all available for purchase at the Davidson Student Store. Students are individually responsible for purchasing the other six texts. (I recommend searching for new and used copies of these books at considerable discounts at TotallyCheap.com, a website which will direct you to the best prices available at a wide variety of online merchants).

There are, in addition, a few articles available either online or photocopy handouts (see below).

Course Description:

To many Americans, liberal and conservative alike, the very idea of discussing the family and justice in the same breath seems odd, if not downright, insidious. While all agree that justice ought surely to govern public life, it appears a virtue somehow inappropriate to the (ideally) intimate and loving – and irreducibly private – relations that constitute the family. Thus liberals view conservative proposals to buttress “traditional family values” as illicit attempts to penalize alternative family arrangements and compromise women’s autonomy at home and work. For their part conservatives view with profound suspicion government policies expanding state support for single mothers, recognizing same-sex marriage and civil unions, and instituting sex-education in public schools. These they condemn as elements of a liberal agenda to undermine parental authority and to radically transform American family life.

Notwithstanding this shared distrust, political philosophers, historians and legal scholars remind us that the liens connecting private family life with wider public institutions are numerous and close. The family continues inescapably to be shaped by and to influence in turn the broader political world. Thus feminist writers highlight the ways in which the allocation of scarce resources within the family – things like leisure, opportunities for educational and professional development, money and even physical safety itself – is crucially determined by family and divorce law, workplace regulations and social welfare policies. And just as vigorously conservatives remind us that families serve not only as an intimate refuge from the competitive rigors of economic and political life, but as an essential institution for inculcating virtues requisite to maintaining capitalism and democracy. As the philosopher John Stuart Mill argues, the flourishing of liberal democracies demands that the family, or what he calls “the most universal and pervading of all human relations,” be “regulated by justice instead of injustice.”

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Taking our cue from philosophers like Mill and from legal scholars like Joan Williams, William Eskridge, and Milton Regan, among others, we'll attempt in this seminar critically to examine the myriad ways in which families and political and economic institutions shape one other. Along with empirical examinations of contemporary trends in American family life and structure, we'll examine opposing arguments about the justice of such things as: recent initiatives by the Bush administration to use welfare (TANF) programs to "promote responsible fatherhood"; "family friendly" corporate employment practices; no fault divorce; tax exemptions for dependent children and paid child care; government-mandated family leave policies; gay and lesbian marriage; female-headed households and "absent fathers"; and fiscal policies that favor (or disfavor) marriage over "alternative" family arrangements

Written Assignments:

Each student's evaluation will consist primarily of two short and relatively informal "reaction papers" (6-7 pages) and a final (and more formal) semester paper of about 12-14 pages. Each reaction paper provides an opportunity for students to clarify and integrate their understandings of the readings assigned during the preceding weeks. Students are invited, but not by any means required, to consult secondary sources to assist in writing the reaction papers. The final semester paper provides the opportunity for an extended investigation of an issue arising in, but not necessarily restricted to, one or more of the assigned course readings. The use of some secondary scholarly sources for the semester paper is mandatory. In addition to these three assignments, students will be asked to write informal (and ungraded) weekly "critical synopses" (one or two pages each). These should offer a brief summary of the week's reading and some pointed interrogations of it. Critical synopses are not due during the two weeks that students are asked to write reaction papers, nor after April 29.

Political science majors who wish to satisfy the department's MAJOR PAPER requirement may do so by writing a semester paper of at least twenty pages utilizing more extensive secondary sources.

Participation in seminar discussions is also extremely important. The schedule and weight of seminar requirements is the following:

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| First Reaction Paper: | 20% | (due at 4:00 p.m., Friday, February 13) |
| Second Reaction Paper: | 20% | (due at 4:00 p.m., Friday, March 26) |
| Semester Paper: | 40% | (due at noon , May 10) |
| Discussion: | 20% | |

The reaction papers and final semester paper must be submitted to the instructor by 4:00 p.m. on the day they are due. Late reaction papers will be penalized one letter grade if they are handed in within one week of the original due date; after one week, they will not be accepted. The final paper will be penalized one letter grade for each day it is late.

Seminar Participation:

The seminar is structured overwhelmingly around the discussion of the assigned texts. It is accordingly extremely important that students familiarize themselves with the readings before each class meeting. It is also crucial that students conscientiously attend and contribute to class discussions. Each student is allowed 2 unexcused cuts; excess absences will result in a grade of "F" for class discussion.

Final Note:

While this course is not cumulative in the usual sense, it is developmental, and the papers and discussions will reflect this characteristic. It is thus very important that students make every effort to keep abreast of the schedule of readings. It is extremely difficult to assimilate this material in any "cram course" fashion. Although admittedly demanding on occasion, the schedule should be manageable, and it is expected that students will be prepared on time.

All provisions of the Davidson HONOR CODE are in effect, and all course work will be pledged in accordance with it. Since students are invited to consult secondary sources on all assignments, and to discuss and read one another's written work, all such assistance must be conscientiously attributed. Students uncertain about the terms and requirements of the Code should request clarification from the instructor. All Honor Code violations will be vigorously prosecuted.

- I. Introduction and Welcome
- II. Justice and Gender: What Are Families For?
- III. Justice and Gender: Balancing Family and Work.
- IV. Marriage: Who Benefits, Why, and How?
- V. Marriage: Should (Can) Gays and Lesbians Benefit Too?

Schedule of Readings:

I. Introduction and Welcome

Session 1. Husbands and Wives, Straights and Gays, Parents, Workers and Children (Jan 13)

Reading: Lisa Belkin, "The Opt-Out Revolution,"
www.nytimes.com/2003/10/26/magazine/26WOMEN.html;
Maggie Gallagher, "Marriage Defeatists,"
www.weeklystandard.com/Content/Public/Articles/000/000/003/468zvcyt.asp.

II. Justice and Gender: What Are Families For?

Session 2. Husbands and Wives I (Jan 15)

Reading: Mill, The Subjection of Women, vii-xxi, 119-165.

Session 3. Husbands and Wives II (Jan 20)

Reading: Mill, The Subjection of Women, 166-217.

Session 4. (Single) Mothers and (Absent) Fathers (Jan 22)

Reading: David Popenoe, Life Without Father, i-ii; 1-78.

Session 5. Fathers in Modern Times (Jan 27)

Reading: Life Without Father, 81-163

Session 6. Do Fathers Have a Future? (Jan 29)

Reading: Life Without Father, 164-228

Session 7. 'Family Values,' Privacy and Self-Determination (Feb. 3)
Reading: Karen Struening, New Family Values (ix-xxii; 1-64.

Session 8. Parents, Partners, Caregivers (Feb. 5)
Reading: New Family Values, 65-129.

Session 9. Family Diversity, Family Policy I (Feb. 10)
Reading: New Family Values, 131-191.

Session 10. Family Diversity, Family Policy II (Feb. 12)
Reading: Wade F. Horn and Isabel V. Sawhill, "Fathers, Marriage and Welfare Reform" (handout)
Patrick F. Fagan, et. al, "Why Congress Should Ignore Radical Feminist Opposition to Marriage." <http://www.heritage.org/Research/Family/bg1662.cfm>; Patrick F. Fagan and Jennifer Garnett, "Restoring a Culture of Marriage." <http://www.heritage.org/Research/Family/BG1560.cfm>; Robert Rector, et. al., "'Marriage Plus': Sabotaging the President's Efforts to Promote Healthy Marriage." <http://www.heritage.org/Research/Welfare/BG1677.cfm>; Rod Haskins and Isabel Sawhill, "Work and Marriage: The Way to End Poverty and Welfare." <http://www.brook.edu/es/research/projects/wrb/publications/pb/pb28.htm>.

FIRST REACTION PAPER DUE: Friday, Feb. 13, 4:00.

III. Justice and Gender: Balancing Family and Work

Session 11. Why Family and Work Conflict (Feb. 17)
Reading: Joan Williams, Unbending Gender, ix-x; 1-63

Session 12. Ideal Workers and Family Entitlements (Feb. 19)
Reading: Unbending Gender, 64-141.

Session 13. Gender, Class, and Race (Feb. 24)
Reading: Unbending Gender, 143-204.

Session 14. Equality and Reconstructive Feminism (Feb. 26)
Reading: Unbending Gender, 205-276.

SPRING BREAK, March 1-5.

Session 15. Fleeing the Haven for the Heartless World (March 9)
Reading: Brian Robertson, There's No Place Like Work, vii-xvi; 3- 97.

Session 16. NO CLASS (March 11)

Session 17. A Return of the 'Family Wage'? (March 16)
Reading: There's No Place Like Work, 98-179.

Session 18. Libertarianism, Family Policy, and the 'Childfree' (March 18)
Reading: Elinor Burkett, The Baby Boon, 1-87.
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Session 19. Equality and the 'Maternal Mystique' (March 23)

Reading: The Baby Boon, 91-217.

Session 20. Justice In and Outside the Family (March 25)

Reading: Williams, Robertson, and Burkett: Review All

SECOND REACTION PAPER DUE: Friday, March 26, 4:00.

IV. Marriage: Who Benefits, Why, and How?

Session 21. Marriage and (vs.) Cohabitation (March 30)

Reading: Linda Waite and Maggie Gallagher, The Case for Marriage, 1-96.

Session 22. The Wages (and More) of Wedlock (April 1)

Reading: The Case for Marriage, 97-203.

Session 23. Marriage, Intimacy, and Personal Identity (April 6)

Reading: Milton C. Regan, Family Law and the Pursuit of Intimacy, 1-67.

Session 24. Intimacy, Status and Contract (April 8)

Reading: Family Law and the Pursuit of Intimacy, 68-153.

Session 25. Gender, Status, and Justice (April 15)

Reading: Family Law and the Pursuit of Intimacy, 154-188.

V. Marriage: Should (Can) Gays and Lesbians Benefit Too?

Session 26. Same-Sex Marriage and the Politics of Sexuality (April 20)

Reading: William N. Eskridge, Jr., Equality Practice, ix-xv; 1-82.

Session 27. Same-Sex Marriage Abroad (April 22)

Reading: Equality Practice, 83-126.

Session 28. Equality and Liberal Jurisprudence (April 27)

Reading: Equality Practice, 127-196.

Session 29. Cultural Traditions, Personal Identity, and the Future of Gay Rights (April 29)

Reading: Equality Practice, 197-242.

Session 30. Husbands and Wives, Straights and Gays, Parents, Workers and Children (Redux) (May 4)

Reading: Lisa Belkin, "The Opt-Out Revolution,"

www.nytimes.com/2003/10/26/magazine/26WOMEN.html;

Maggie Gallagher, "Marriage Defeatists,"

www.weeklystandard.com/Content/Public/Articles/000/000/003/468zvcyt.asp.

FINAL PAPER DUE: Monday, May 10, noon.