

Office: Chambers 3014

Hours: MWF 3:30-4:30, TuTh 4:00-5:00, and by appointment.

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Texts:

Phillip Longman, *The Empty Cradle* (Basic Books, 2004)

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

Jonathan Rauch, *Gay Marriage* (Times Books, 2004)

Steven E. Rhoads, *Taking Sex Differences Seriously* (Encounter, 2005)

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

Joan Williams, *Unbending Gender* (Oxford UP, 2001)

James Q. Wilson, *The Marriage Problem* (Basic Books, 2003).

The Mill, Rauch, Williams, and Struening books are all available for purchase at the Davidson Student Store. Students are individually responsible for purchasing the other three texts. (I recommend searching for new and used copies of these books at very considerable discounts at fetchbook.com, bookfinder.com, or addall.com, websites which will direct you to the best prices available at a wide variety of online merchants. *Please note, however, that used books ordered online orders can sometimes take several weeks to arrive, so be sure to order ASAP.*) There are, in addition, assigned articles available either online or as photocopy handouts. Students are individually responsible for printing paper copies of online materials before class and having them available in class. The fee for photocopied handouts is \$4.00.

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 radically transform American family life.

Notwithstanding this shared distrust, political philosophers, legal scholars, and others 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.”

Taking our cue from philosophers like Mill, legal theorists like Joan Williams, and sociologists like James Q. Wilson, we'll attempt in this course 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; same-sex marriage; female-headed households and "absent fathers"; declining birthrates; and fiscal policies that favor (or disfavor) marriage over "alternative" family arrangements. Given considerable differences in marriage rates and family structure between many black and white Americans, as well as the differential impact many federal and state policies have upon these and other American ethnic groups, considerations of race, class, and ethnicity will sometimes feature prominently in these examinations.

Written Assignments:

The evaluation of each student's comprehension of the course materials will consist primarily of three open-book, take-home reviews. The first will be handed out September 22, and returned by noon on September 29. The second will be handed out November 3 and returned by noon on November 10. The final review will be handed out November 29 and returned by noon December 7. There is no class on the days reviews are due.

All reviews will be typed. Late reviews will be penalized one letter grade for each class day they are late, save for final reviews, which will be penalized one letter grade for each calendar day they are late. The precise format and length of the reviews will be discussed in class.

Participation in class discussions is also very important. The schedule and weight of course requirements is the following:

First Review:	25% (Sept 29)
Second Review:	30% (Nov 10)
Final Review:	35% (Dec. 7)
Discussion:	10%

Class Participation:

This course is structured overwhelmingly around the close examination and 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. Any 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. Families, Gay Marriage, and the Law

Schedule of Readings:

I. Introduction and Welcome

Session 1. Husbands and Wives, Straights and Gays, Parents, Workers and Children (Aug 23)

Reading: Peter Berkowitz, "What to do about Same-Sex Matrimony," *Jerusalem Post* (Mar. 16, 2004);

Matt Daniels, "Marriage, Society" (*Washington Times*, April 15, 2004); Katherine Kersten, "Heterosexual Marriage: A Universal Institution" (*Minneapolis Star Tribune*, June 2, 2005); Joan Williams, "Why Moms Stay Home" (*Washington Post*, July 17, 2003)

(Handouts)

II. Justice and Gender: What Are Families (For)?

Session 2. Husbands and Wives I (Aug 25)

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

Session 3. Husbands and Wives II (Aug 30)

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

Session 4. The Contemporary Family: "Decline" or "Diversity"? (Sept 1)

Reading: David Popenoe, "American Family Decline, 1960-1990: A Review and Appraisal," and "The National Family Wars," both in *Journal of Marriage and the Family* 55 (August 1993): 527-542; 553- 555 (JSTOR); David Popenoe, "The Family Condition of America," in Popenoe, *War Over the Family* (Transaction Books, 2005), 45-69 (Photocopy Handout); Philip A. Cowan, "The Sky is Falling, but Popenoe's Analysis Won't Help Us Do Anything About It," *Journal of Marriage and the Family* 55 (August 1993): 548-553 (JSTOR); Judith Stacey, "Good Riddance to the Family: A Response to David Popenoe," *Journal of Marriage and the Family* 55 (August 1993): 545-547 (JSTOR).

Session 5. Liberalism and Families (Sept 6)

Reading: William A. Galston, "A Liberal-Democratic Case for the Two-Parent Family," in Amitai Etzioni, Ed., *Rights and the Common Good* (St. Martin's, 1995), pp. 139-149. (Photocopy); James Q. Wilson, *The Marriage Problem* (2003), 1-21, and 65-105.

Session 6. Families and their Discontents (I): Divorce (Sept 8)

Reading: William A. Galston, "Divorce American Style," *The Public Interest* 124 (Summer 1996) (Academic Search Elite); David Popenoe, "A World Without Fathers," in Popenoe, *War*

Over

the Family, 17-132 (Photocopy); James Q. Wilson, *The Marriage Problem*, 161-177.

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Session 7. Radical Feminism, Privacy and 'Family Values' (Sept 13)

Reading: Karen Struening, *New Family Values* (Rowman and Littlefield, 2002), ix-xxii; 1-64.

Session 8. Parents, Partners, Caregivers (Sept 15)

Reading: *New Family Values*, 65-129.

Session 9. Family Diversity, Family Policy (I) (Sept 20)

Reading: *New Family Values*, 131-191.

Session 10. Families and their Discontents (II): Poverty and Welfare Reform (Sept 22)

Reading: Patrick F. Fagan, et. al, "Why Congress Should Ignore Radical Feminist Opposition to Marriage." <http://www.heritage.org/Research/Family/bg1662.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>. Robert Rector, "Welfare Reform and the Healthy Marriage Initiative." <http://www.heritage.org/Research/Family/bg1741.cfm>. James Q. Wilson, *The Marriage Problem*, 131-159.

FIRST REVIEW OUT (Sept 22)

Session 11. Family Diversity, Family Policy (II) (Sept 27)

Reading: None: Review Reading Assignments to Date

Session 12. NO CLASS (Sept 29)

FIRST REVIEW DUE: NOON (Sept 29)

III. Justice and Gender: Balancing Family and Work

Session 13. Why Family and Work Conflict (I): Reconstructive Feminism: (Oct. 4)

Reading: Joan Williams, *Unbending Gender*, ix-x; 1-63

Session 14. Ideal Workers and Family Entitlements (Oct. 6)

Reading: *Unbending Gender*, 64-141.

FALL BREAK (Oct. 11)

Session 15. Gender, Class, and Race (Oct. 13)

Reading: *Unbending Gender*, 143-176;
Caitlin Flanagan, "How Serfdom Saved the Women's Movement," *Atlantic Monthly* (March 2004) (available as a pdf document via Infotrac Powersearch).

Session 16. Equality and Reconstructive Feminism (Oct. 18)

Reading: *Unbending Gender*, 177-242; 271-76.

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Session 17. Why Family and Work Conflict (II): Stubborn Nature (Oct. 20)
Reading: Lisa Belkin, "The Opt-Out Revolution," *The New York Times* (Oct. 26, 2003) (available via Lexis-Nexis Academic); Lisa Schiffren, "Lifestyles of the Rich and Infertile," *Commentary* 114 (July/August 2002) (Photocopy handout); Steven E. Rhoads, *Taking Sex Differences Seriously* (Encounter, 2004), 1-44.

Session 18. What Men and Women (Naturally) Want (Oct 25)
Reading: James Q. Wilson, *The Marriage Problem*, 43-63; Steven E. Rhoads, *Taking Sex Differences Seriously*, 46-78, 96-108, 122-131, 134-158.

Session 19. Women, Work and Daycare (Oct 27)
Reading: James Q. Wilson, *The Marriage Problem*, 179-195; Stephan E. Rhoads, *Taking Sex Differences Seriously*, 190-243; 254-263. Mary Eberstadt, *Home Alone America* (Sentinel 2004), 1-21 (photocopy).

Session 20. When Family and Work Conflict: A Conservative Response to Depopulation (Nov 1)
Reading: Allan Carlson, *Fractured Generations* (Transaction, 2005), 15-33, 89-117, 135-140 (Photocopy Handouts)

Session 21. When Family and Work Conflict: A Liberal Response to Depopulation (Nov 3)
Reading: Phillip Longman, *The Empty Cradle* (Basic Books, 2004), 1-27, 133-178, 190-196.

SECOND REVIEW OUT (Nov 3)

Session 22. When Family and Work Conflict: Splitting the Difference(s)? (Nov 8)
Reading: Neil Gilbert, "What Do Women Really Want?" *The Public Interest* (Winter 2005) (at <http://www.thepublicinterest.com/previous/article2.html>).

Session 23. No Class (Nov 10)

SECOND REVIEW DUE: NOON (Nov 10)

V. Families, Gay Marriage, and the Law

Session 24. A Liberal-Communitarian Case for Gay Marriage (Nov 15)
Reading: Jonathan Rauch, *Gay Marriage* (Times Books, 2004), 1-54.

Session 25. A "Win-Win-Win" Solution? (Nov 17)
Reading: Jonathan Rauch, *Gay Marriage*, 55-103.

Session 26. Responses to Same-Sex Marriage Critics (I) (Nov 22)
Reading: Jonathan Rauch, *Gay Marriage*, 104-171.

THANKSGIVING BREAK (Nov 24)

Session 27. A Federalist Solution? (Nov 29)

Reading: Jonathan Rauch, *Gay Marriage*, 172-196. Mike McKee, "Calif. Court Says... Woman Can Be Dad" (at <http://www.law.com/jsp/article.jsp?id=1088699764427>). Dan Cere, "The Future of Family Law" (Council on Family Law, 2005) (available in pdf) at <http://marriagedebate.com/>
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FINAL REVIEW OUT (Nov 29)

Session 28. Responses to Same-Sex Marriage Critics (II) (Dec 1)

In Class Video: Jonathan Rauch and Maggie Gallagher, "Will Same Sex Marriage Hurt America?"
(available at <http://isi.org/lectures/lectures.aspx>.)

Reading: none

Session 29. Same-Sex Marriage, Tradition, and Federalism (Dec 6)

Reading: Review Rauch, *Gay Marriage*, and Cere, "The Future of Family Law."

FINAL REVIEW IN (Thursday, Dec 7)