

**“Women and the Law: looking back, looking forward”**  
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**Overview:**

It has been 50 years since the advent of the contemporary women’s movement... To what extent has the state of gender equality changed ... what has been the role of law in this process? Where are the steps forward, where are the steps back?... and where is this movement stalled? What are the principles and strategies that might be pursued going forward?

“Gender and Law” has several components: women in law-making and adjudicating, public policies adopted through legislative processes, and the relevant case law and its consequences.

**Political Representation:**

- U.S. ranks 102 of 193 nations in % women in lower house of legislature
- Changes in congressional membership since 1969
- Factors depressing women as legislators, governors

**Family law:**

- Remnants of coverture

**Education”**

- Title IX (1972) and constitutional claims
- Educational leadership
- Continuing issues

Most significant continuing challenges include:

**Employment/working life/income**

- Title VII of 1964 CRA, impact and limitations
- Professional advancement: law and medicine
- Comparable worth analysis
- Pregnancy Discrimination Act 1978
- Corporate management: CEOs/Boards
- The challenge of non-employee workplace
- Sexual harassment/gender harassment

## Reproductive rights

- *Roe v. Wade* (1973) trimester analysis
- Reactions to *Roe*
- *Planned Parenthood of Southeastern PA. v. Casey* (1992) “undue burden”
- Language and “myths” in abortion litigation

## Principles and Strategies going forward

- Limits of an Equal Rights Amendment
- The composition of the judiciary
- Organizing, legislative initiatives

## Recommended Reading

Bowman, Cynthia Grant, "Women in the Legal Profession from the 1920s to the 1970s: What Can We Learn From Their Experience About Law and Social Change?" (2009). Cornell Law Faculty Publications. Paper 12.  
<http://scholarship.law.cornell.edu/facpub/12>

Binion, Gayle, "Toward a Feminist Regrounding of Constitutional Law" *social science quarterly* (1991)

Binion, Gayle, "Human Rights: a Feminist Perspective" *human rights quarterly* (1995)

<https://www.equalrightsamendment.org/states.htm>

<https://www.bna.com/calif-bill-mandate-n57982093113/>

*Hishon v. King & Spalding* (1984) 467 U.S. 69

*Price Waterhouse v. Hopkins* (1989) 490 U.S. 228

*Planned Parenthood of Southeastern Pennsylvania* (1992) 505 U.S. 833

*Meritor Savings Bank v. Vinson* (1986) 477 U.S. 57

*Vance v. Ball State University* (2013) 570 U.S. 421 (2013)