

Office: Chambers 3014
Hours: Daily, By Appointment
Phone: 894-2393
Email: BRSHAW@DAVIDSON.EDU

Texts:

Brenda Almond, *The Fragmenting Family* (Oxford, 2008)
David Blankenhorn, *The Future of Marriage* (Encounter, 2007)
Linda Hirshman, *Get to Work* (Viking, 2006)
Kay S. Hymowitz, *Marriage and Caste in America* (Ivan Dee, 2006)
Nancy Polikoff, *Beyond (Straight and Gay) Marriage* (Beacon, 2008)
Jonathan Rauch, *Gay Marriage* (Times Books, 2004)
Steven E. Rhoads, *Taking Sex Differences Seriously* (Encounter, 2005)
Joan Williams, *Unbending Gender* (Oxford UP, 2001)

All books except for Hirshman's *Get to Work* are available for purchase at the Davidson Student Store. At their discretion, students can elect either to buy them there or purchase them individually – usually at very considerable discounts, either new or used – from Amazon or other online merchants. (Search engines like addall.com, fetchbook.info, or bookfinder.com offer price comparisons among online merchants.) I recommend purchasing the first two books for the course (Blankenhorn and Almond) from the Student Store, since we begin reading them immediately. If you do order books online, *please note that used books ordered online 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 \$2.00.

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 ostensibly 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 political culture and 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

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requisite to maintaining capitalism and democracy. As the philosopher Brenda Almond argues, the “family is, and always has been, the foundation of communities in which the cherishing of each individual person can flourish.”

Taking our cue from philosophers like Almond, legal theorists like Joan Williams, and policy scholars like David Blankenhorn and Kay Hymowitz, 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: federal initiatives 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 many members of 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 24, and returned by noon on October 2. The second will be handed out October 29 and returned by noon on November 6. The final review will be handed out December 1 and returned by noon December 10.

All reviews will be typed, with a maximum length of six pages (minimum 11 font). 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.

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

First Review:	25% (Oct. 2)
Second Review:	30% (Nov 6)
Final Review:	35% (Dec 10)
Discussion:	10%

Class Participation:

This course is structured overwhelmingly around the 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.

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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. Gender and (Liberal) Justice: What Are Families (For)?
- III. Justice and Gender: Balancing Family and Work.
- IV. Justice, Families, and Same-Sex Marriage

Schedule of Readings:

I. Introduction and Welcome

Session 1. Husbands and Wives, Straights and Gays, Parents, Workers and Children (Aug 25)
Reading: Pres. Barack Obama, "We Need Fathers to Step Up"; Cathy Young, "The Shift Towards Single Motherhood"; W. Bradford Wilcox, "Five Myths on Fathers and Family"; BeyondMarriage.org, "Beyond Same-Sex Marriage"; Valerie Richardson, "Obama Backs marriage act repeal"; ACLU, "Talking Points on Marriage and Equality"; Linda Linda Hirschman, "Off to Work She Should Go"; Stephen E. Rhoads, "Aiming for Androgyny"; Warren Farrell, "Exploiting the Gender Gap"; Donna St. George, "Part-Time Looks Fine to Working Mothers"; Jeff Jacoby, "Marriage Newspeak"; Marc Stein, "Will gay rights trample religious freedom?"; Elizabeth Marquardt, "The revolution in parenthood"; Dennis Prager, "Is Gay the New Black?"; (Photocopy handouts)

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

Session 2. Why and How Families (and Marriage)? (I) (Aug. 27)
Reading: David Blankenhorn, *The Future of Marriage*, 1-40;
Brenda Almond, *The Fragmenting Family*, 1-21

Session 3. Why and How Families (and Marriage)? II (Sept. 1)
Reading: *The Future of Marriage*, 91-106; 120-125.
The Fragmenting Family, 22-57.

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- Session 4. The Liberal Case for Marriage (I) (Sept. 3)
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)
David Popenoe, "State of Our Unions 2007," 4-27, available in PDF format at <http://marriage.rutgers.edu/publications.html>.
- Session 5. The Liberal Case for the Marriage (II) (Sept. 8)
Reading: Kay S. Hymowitz, *Marriage and Caste in America* (Ivan Dee, 2007), 3-47; Maggie Gallagher, "Does Sex Make Babies?" available (scroll down page to "law journal articles") in PDF format at <http://www.marriagedebate.com/ssm.php>.
- Session 6. Liberalism, Fatherlessness, and Divorce (Sept 10)
Reading: Barbara Defoe Whitehead, "Dan Quayle Was Right," available at <http://www.theatlantic.com/politics/family/danquayl.htm>.
James Q. Wilson, "Divorce," in Wilson, *The Marriage Problem* (HarperCollins, 2002), 161-177 (Photocopy);
Brenda Almond, *The Fragmenting Family*, 132-145
- Session 7. Radical Feminism, Gay Rights, and 'Family Diversity' (Sept 15)
Reading: "Beyond Same-Sex Marriage: A New Strategic Vision for all Our Families and Relationships," available at <http://mrzine.monthlyreview.org/beyondmarriage080806.html>
Nancy D. Polikoff, *Beyond (Straight and Gay) Marriage*, 1-62
- Session 8. Gender, Against the 'Marriage Movement,' and Welfare Supports (Sept 17)
Reading: Nancy D. Polikoff, *Beyond (Straight and Gay) Marriage*, 63-122
- Session 9. Deinstitutionalizing Marriage and "Valuing All Families" (Sept 22)
Reading: Nancy D. Polikoff, *Beyond (Straight and Gay) Marriage*, 122-158; 208-214.
- Session 10. Competing Paradigms (and Policies) I (Sept. 24)
Reading: Maggie Gallagher and Joshua Baker, "Do Mothers and Fathers Matter?" Available (under "policy briefs") at <http://www.marriagedebate.com/ssm.php>.
Dan Cere, "The Future of Family Law," available in PDF format (under "reports") at <http://www.marriagedebate.com/ssm.php>.
FIRST REVIEW OUT (Sept 24)
- Session 11. Competing Paradigms (and Policies) II (Sept. 29)
Reading: Almond, *The Fragmenting Family*, 58-81; 146-168; 188-207
- Session 12. A Future for the Family? (Oct. 1)
Reading: Stanley Kurtz, "Polygamy Versus Democracy," Available at <http://www.weeklystandard.com/Content/Public/Articles/000/000/012/266jhfgd.asp>.
Ron Haskins and Isabel Sawhill, "Work and Marriage: The Way to End Poverty and Welfare." Available as pdf file at: http://www.brookings.edu/papers/2003/09childrenfamilies_haskins.aspx.
FIRST REVIEW DUE: NOON (Oct. 2)

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III. Justice and Gender: Balancing Family and Work

Session 13. Why Family and Work Conflict (I): Reconstructive Feminism: (Oct. 6)

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

Session 14. Ideal Workers and Family Entitlements (Oct. 8)

Reading: Unbending Gender, 64-141.

FALL BREAK (Oct. 13)

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

Reading: Unbending Gender, 143-176;

Caitlin Flanagan, "How Serfdom Saved the Women's Movement," *Atlantic Monthly* (March 2004) (available at <http://www.theatlantic.com/doc/200403/flanagan>).

Session 16. Equality and Reconstructive Feminism (Oct. 20)

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

Session 17. Why Family and Work Conflict (II): Stubborn Nature (Oct. 22)

Reading: Lisa Belkin, "The Opt-Out Revolution," *The New York Times* (Oct. 26, 2003) (available At <http://www.nytimes.com/2003/10/26/magazine/26WOMEN.html>) Lisa Schiffren, "Lifestyles of the Rich and Infertile," *Commentary* 114 (July/August 2002) (Photocopy); Steven E. Rhoads, *Taking Sex Differences Seriously* (Encounter, 2005), 1-44.

Session 18. What Men and Women (Naturally) Want (Oct 27)

Reading: Steven E. Rhoads, *Taking Sex Differences Seriously*, 46-78, 96-108, 122-131, 134-158; Kay Hymowitz, *Marriage and Caste in America*, 126-146.

Session 19. Women, Work and Daycare (Oct 29)

Reading: Stephan E. Rhoads, *Taking Sex Differences Seriously*, 190-243; 254-263. Mary Eberstadt, "The Real Trouble with Day Care," in Mary Eberstadt, *Home Alone America* (Sentinel 2004), 1-21 (photocopy).

SECOND REVIEW OUT (Oct. 29))

Session 20. Full-Commodity Feminism Redux (I) (Nov. 3)

Reading: Linda Hirshman, *Get to Work* (Viking, 2006), 1-63.

Session 21. Full-Commodity Feminism Redux (II) (Nov 5)

Reading: *Get to Work*, 63-92.

SECOND REVIEW DUE (Friday, Nov. 6)

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V. Families and Same-Sex Marriage

Session 22. A Conservative Case for Gay Marriage (Nov 10)

Reading: Jonathan Rauch, *Gay Marriage* (Times Books, 2004), 1-54.

Session 23. A “Win-Win-Win” Solution? (Nov 12)

Reading: *Gay Marriage*, 55-103.

Session 24. Responses to Same-Sex Marriage Critics (I) (Nov 17)

Reading: *Gay Marriage*, 104-171.

Session 25. A Federalist Solution – and Liberal Misgivings (Nov 19)

Reading: *Gay Marriage*, 172-96;

David Blankenhorn, *The Future of Marriage*, 127-69.

Session 26. (Liberal) Goods in Conflict (Nov. 24)

Reading: Blankenhorn, *Future of Marriage*, 170-212.

THANKSGIVING BREAK (Nov 26)

Session 27. Gay Marriage, Liberalism and the Protection of the Most Vulnerable (I) (Dec. 1)

Reading: Almond, *The Fragmenting Family*, 87-120.

FINAL REVIEW OUT (Dec. 1)

Session 28. Gay Marriage, Liberalism and the Protection of the Most Vulnerable (II) (Dec. 3)

Reading: Elizabeth Marquardt, “The Revolution in Parenthood.” Available as PDF file at

<http://www.americanvalues.org/parenthood/parenthood.htm>.

Session 29. Gay Marriage, Liberalism, and Religious Liberty (Dec. 8)

Reading: Roman Storzer and Anthony Picarello, “Brief Amicus Curiae,” available as PDF file at

<http://www.becketfund.org/index.php/search/?cx=011842739932785352520%3Aasn5bs7370cy&cof=FORID%3A11&q=frank+conaway#196>.

Maggie Gallagher, “Banned in Boston,” available at

<http://www.weeklystandard.com/Content/Public/Articles/000/000/012/191kgwgh.asp>.

David Frum, “Same Sex Marriage: Unconservative in Purpose, in Application, and in Result.” *South Texas Law Review* (Fall 2008) (photocopy handout)

Charles Murray, “Love has Nothing to Do With It” *South Texas Law Review* (Fall 2008) (photocopy handout)

FINAL REVIEW IN (Dec.10) noon.