Overview:

This seminar will explore elite and popular debate leading to recognition of reproductive rights under the U.S. Constitution, with the goal of examining how constitutional decision-making unfolds through social conflict. Using the emergence of the claim for a right to abortion as an historical case study, we will probe the relation between social movement, politics, and law over the decades. How has mobilization and counter-mobilization shaped and limited the law? What larger social and legal questions are at stake in debates over constitutional doctrines concerning the regulation of sexual behavior? What role has the Supreme Court itself played in fostering the continuing political and legal struggle over abortion? By considering theories of backlash, we will seek to understand how the Court will, and ought, to decide constitutional questions concerning abortion and same-sex marriage.

Contact Information

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Required Text


The book is available as an e-book for the Amazon Kindle, but you will almost certainly find it more convenient to obtain the hard copy. It is available on Amazon for under $20.

All other course material will be available electronically or distributed in class.

SYLLABUS

Session 1 – January 20 -- The Abortion Debate & Women’s Liberation

GREENHOUSE & SIEGEL, BEFORE ROE V. WADE (2010), Part I (pp. 1-115).
Session 2 – January 27 – Constitutionalization of Conflict and the Road to Roe

1. GREENHOUSE & SIEGEL, BEFORE ROE V. WADE, Part II (pp. 119-220.)


Session 3 – February 3 – Roe v. Wade

1. GREENHOUSE & SIEGEL, BEFORE ROE V. WADE, Part III (pp. 223-306.)


Session 4 -- February 10 -- Countermobilization: Rise of Pro-Family Movement & the New Right


Session 5 –February 17— The Constitution of Sexual Freedom Today

1. Background memo on anti-abortion strategies for constitutional change after *Roe*.

2. Excerpt from the Senate Judiciary Committee report on Bork, pp. 30-36, 92, 96-99.


Session 6 – February 24 – The Constitutionalization of Sexual Freedom: The Future?


