

ASPEN CASEBOOK SERIES

*BARTLETT  
RHODE  
GROSSMAN*

**GENDER AND LAW**  
**Theory, Doctrine, Commentary**

*Seventh  
Edition*



Wolters Kluwer

ASPEN CASEBOOK SERIES

*Gender and Law*  
*Theory, Doctrine,*  
*Commentary*  
Seventh Edition

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## *Gender and Law*

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*To our students.*



# *Preface*

True to its initial vision, this seventh edition organizes the field of gender and law into six theoretical perspectives. These perspectives are not mutually exclusive, nor are they “total” theories intended to answer every doctrinal and policy question that may arise concerning the relationship between gender and law. Rather, they represent alternative diagnostic and normative lenses through which the relationship between law and gender can be understood and improved. We believe that each theoretical framework has significant value *and* limitations. The approach of this book works best if readers attempt to be both open to, and critical of, each perspective.

As the field of gender law has grown, it now touches virtually every area of law and policy. The majority of materials updating this edition continue to focus on work, intimate relationships and family, education, and sexual violence. This applies to most of the new cases added to the book such as *United States v. Windsor* and *Obergefell v. Hodges* (same-sex marriage), *Videckis v. Pepperdine University* (sexual harassment), and *Young v. UPS* (pregnancy discrimination). As before, however, the materials in this edition demonstrate how gender matters beyond these more obvious contexts—insurance and public benefits law, for example, as well as legal ethics, contract law, and property law. Further, while the majority of materials focus on gender as if it denoted the difference between male and female, this edition has significantly enlarged the attention given to issues that challenge this dichotomy, including transgender and intersex, and interspersed sexual orientation materials throughout the book rather than as a separate section. This edition also reflects the increasing international dimensions of gender law and policy.



This edition retains the integration of theory and practice for which the book is known. We have added dozens more problems, most of them from actual cases or disputes. If anyone believes that the gender problem in this society has been solved, we can report that the easiest part of keeping this book up to date remains finding fresh examples of gender controversy with the potential to challenge ordinary understandings of gender justice and gender progress.

We feel it once more necessary to say that, with respect to edited materials in this book, additions to, deletions from, and other alterations to quoted material are indicated by brackets and ellipses, except for footnotes and citations, which are typically deleted without notice. Where retained, original footnote numbering is used. Paragraph breaks and the order of paragraphs are occasionally modified without notice to make edited excerpts easier to follow.

We appreciate your use of this book and welcome your feedback, including feedback by students, to make it better. The book is committed to helping students think more critically, broadly, and deeply in their analysis of gender and law. But, like gender law more generally, the book is an ongoing work in progress. Thanks for being part of the process of keeping the field responsive to social and legal realities.

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## *Gender and Law*



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