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FEMINIST JURISPRUDENCE CASES AND MATERIALS

Fourth Edition

Cynthia Grant Bowman, Laura A. Rosenbury, Deborah Tuerkheimer & Kimberly A. Yuracko

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FEMINIST JURISPRUDENCE CASES AND MATERIALS

Fourth Edition

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To Ben, Michael, and David from C.G.B.

To Nalini and Michele from L.R.

To Max and Leo from D.T.

To Michael and Sacha from K.Y.

PREFACE TO THE FOURTH EDITION

The first edition of this book was the product of the collaboration of three women—Mary Becker, Cynthia Grant Bowman, and N. Morrison Torrey who taught law and were committed to the participation of women as genuine equals in our society, in our educational, legal and political institutions, in the world of work, and in the family. We included a variety of materials, drawn both from standard legal sources, like cases and statutes, and from less typical sources from other disciplines, in order to raise central questions about the progress women have made toward these goals, the destinations that might be desirable, and the routes from here to there. Our goal was also to introduce the reader to the world of current feminist scholarship and activism. The presentation was thus grounded in feminism, although one pervasive theme was that there are many types of feminism, which may often lead to different conclusions on important issues. We also sought to include the perspectives of women of different races, classes, and sexual orientations, while knowing that our capacity to realize this goal was necessarily limited. We nonetheless endeavored to include readings from multiple perspectives and to raise questions from a variety of viewpoints.

Since publication of the first edition, there have been many new developments in the law concerning issues of vital importance to women. Writing on feminism and feminist topics has flourished, including new work in areas such as critical race feminism, queer theory, and post-modern feminist theory. This fourth edition continues the commitments of the original book but attempts to do much more. We continue to present a diversity of feminist perspectives on issues affecting women's lives and to broaden our presentation of those perspectives by being both more multicultural and international than the previous editions. As a result, new depth has been added to the many questions of gender and equality discussed throughout the book. Viewing them from many differing perspectives, we gain opportunities for insights that were less accessible in prior editions. Our goal remains the same: to invite controversy and discussion about all of the issues and perspectives included and to lead us all to a more profound and inclusive understanding of the conditions of equality.

This new edition marks the retirement of two authors, Mary Becker and Victoria Nourse, and the addition of two new authors, who bring to it their substantial expertise in the areas of women and violence (Deborah Tuerkheimer) and of feminist theory and family law (Laura Rosenbury); their new insights inform the pages that follow.

For research and other assistance on this new edition, Cynthia Grant Bowman thanks Gina Jackson, her assistant, Natanya DeWeese, her research assistant, and Jean Callihan and Amy Emerson at the Cornell Law School Library. Laura Rosenbury is grateful to Susan Appleton, Adrienne Davis, Tracy Higgins, Martha Minow, and Marc Spindelman, as well as to research assistants Caitlin Argyros, Elizabeth Chen, Chelsea Duncan, Shay Hinton, Jane Louise Moore–Maley, and Krysten Skogstad. Deborah Tuerkheimer is grateful to her research assistants, Amanda Graham, Stella Kestell, Alex Lubyansky, Elizabeth Lyons, and Justin Whitesides, as well as Lawrence Arendt, Walter Baumann, and Jody Raphael at DePaul University College of Law. Kimberly Yuracko thanks Michael Sobczak, her assistant, Libby Weiss, her research assistant, and Marcia Lehr, her library liaison.

Research support was provided to Cynthia Grant Bowman by Cornell Law School; to Laura Rosenbury by Washington University School of Law; to Deborah Tuerkheimer by DePaul University College of Law; and to Kimberly Yuracko from the Northwestern University School of Law Summer Faculty Research Program.

Finally, for purposes of clarity, the reader should know that citations, footnotes, concurring and dissenting opinions have been omitted from the cases and other materials included in this book without specifically noting that omissions have been made; footnotes remaining in excerpted materials retain their original numbers. Any footnotes added by the authors of this book are indicated by the use of small-case letters.

CYNTHIA GRANT BOWMAN LAURA A. ROSENBURY DEBORAH TUERKHEIMER KIMBERLY A. YURACKO

July 2010

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Berkowitz, Commonwealth v., 415 Pa.Super. 505, 609 A.2d 1338 (Pa.Super.1992), **294**

Berry, People v., 134 Cal.Rptr. 415, 556 P.2d 777 (Cal.1976), **218,** 223

Biggs v. State, 29 Ga. 723 (Ga.1860), 224

Bilka-Kaufhaus GmbH v. Weber von Hartz (170/84), 1985 WL 444822 (ECJ 1985), 958 B.K.B. v. Maui Police Dept., 276 F.3d 1091

(9th Cir.2002), 887

Blair v. Washington State University, 108 Wash.2d 558, 740 P.2d 1379 (Wash.1987), 800

Bledsoe, People v., 203 Cal.Rptr. 450, 681 P.2d 291 (Cal.1984), 328

Bobbijean P., In re, 784 N.Y.S.2d 919 (N.Y.Fam.Ct.2004), 408

Bowen v. Kendrick, 487 U.S. 589, 108 S.Ct. 2562, 101 L.Ed.2d 520 (1988), 412

Bowers v. Hardwick, 478 U.S. 186, 106 S.Ct. 2841, 92 L.Ed.2d 140 (1986), 423, 575

Bradwell v. People of State of Illinois, 83 U.S. 130, 21 L.Ed. 442 (1872), 961

Brady v. Collins, 2010 WL 1741113 (N.D.Ohio 2010), 322

Bragdon v. Abbott, 524 U.S. 624, 118 S.Ct. 2196, 141 L.Ed.2d 540 (1998), 540

Brause v. Bureau of Vital Statistics, 1998 WL 88743 (Alaska Super.1998), 571

Bray v. Alexandria Women's Health Clinic, 506 U.S. 263, 113 S.Ct. 753, 122 L.Ed.2d 34 (1993), 38, 85, 285

Bray v. Lee, 337 F.Supp. 934 (D.Mass.1972), 772

Brenden v. Independent School Dist. 742, 477 F.2d 1292 (8th Cir.1973), 799

Brown v. Board of Ed. of Topeka, Shawnee County, Kan., 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed. 873 (1954), 761