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Edited by Kathryn M. Stanchi, Linda L. Berger, Bridget J. Crawford  
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## FEMINIST JUDGMENTS

What would United States Supreme Court opinions look like if key decisions on gender issues were written with a feminist perspective? *Feminist Judgments* brings together a group of scholars and lawyers to rewrite, using feminist reasoning, the most significant U.S. Supreme Court cases on gender from the 1800s to the present day. The twenty-five opinions in this volume demonstrate that judges with feminist viewpoints could have changed the course of the law. The rewritten decisions reveal that previously accepted judicial outcomes were not necessary or inevitable and demonstrate that feminist reasoning increases the judicial capacity for justice. *Feminist Judgments* opens a path for a long overdue discussion of the real impact of judicial diversity on the law as well as the influence of perspective on judging.

Kathryn M. Stanchi is a Professor of Law and Affiliated Professor of Women's Studies at Temple University Beasley School of Law.

Linda L. Berger is Family Foundation Professor of Law and the Associate Dean for Faculty Development and Research at the University of Nevada, Las Vegas, William S. Boyd School of Law.

Bridget J. Crawford is a Professor of Law at Pace University School of Law.

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# Feminist Judgments

REWRITTEN OPINIONS OF THE UNITED  
STATES SUPREME COURT

**KATHRYN M. STANCHI**

Temple University Beasley School of Law

**LINDA L. BERGER**

University of Nevada, Las Vegas,  
William S. Boyd School of Law

**BRIDGET J. CRAWFORD**

Pace University School of Law



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*For Eddie, Kaitlyn, Paolo and Gianluca – KMS*

*For Tom and Michael – LLB*

*For my daughter – BJC*

## Contents

<i>Notes on contributors</i>	page xi
<i>Advisory panel</i>	xxv
<i>Preface</i>	xxix
<i>Acknowledgments</i>	xxxii
<i>About the cover art</i>	xxxiii
<i>Table of cases</i>	xxxv

### Part I Introduction and overview

1	<b>Introduction to the U.S. feminist judgments project</b>	3
	Kathryn M. Stanchi, Linda L. Berger, and Bridget J. Crawford	
2	<b>Talking back: From feminist history and theory to feminist legal methods and judgments</b>	24
	Berta Esperanza Hernández-Truyol	

### Part II The feminist judgments

3	<b><i>Bradwell v. Illinois</i>, 83 U.S. 130 (1873)</b>	55
	Commentary: Kimberly Holst	
	Judgment: Phyllis Goldfarb	
4	<b><i>Muller v. Oregon</i>, 208 U.S. 412 (1908)</b>	78
	Commentary: Andrea Doneff	
	Judgment: Pamela Laufer-Ukeles	

- |    |  |     |
|----|--|-----|
| 5  | <i>Griswold v. Connecticut</i> , 381 U.S. 479 (1965)<br>Commentary: Cynthia Hawkins DeBose<br>Judgment: Laura Rosenbury                                      | 98  |
| 6  | <i>Loving v. Virginia</i> , 388 U.S. 1 (1967)<br>Commentary: Inga N. Laurent<br>Judgment: Teri McMurtry-Chubb  | 114 |
| 7  | <i>Stanley v. Illinois</i> , 405 U.S. 645 (1972)<br>Commentary: Nancy D. Polikoff<br>Judgment: Karen Syma Czapanskiy   | 137 |
| 8  | <i>Roe v. Wade</i> , 410 U.S. 113 (1973)<br>Commentary: Rachel Rebouché<br>Judgment: Kimberly M. Mutcherson  | 146 |
| 9  | <i>Frontiero v. Richardson</i> , 411 U.S. 677 (1973)<br>Commentary: Iselin M. Gambert<br>Judgment: Dara E. Purvis  | 168 |
| 10 | <i>Geduldig v. Aiello</i> , 417 U.S. 484 (1974)<br>Commentary: Maya Manian<br>Judgment: Lucinda M. Finley  | 185 |
| 11 | <i>Dothard v. Rawlinson</i> , 433 U.S. 321 (1977)<br>Commentary: Brenda V. Smith<br>Judgment: Maria L. Ontiveros   | 208 |
| 12 | <i>City of Los Angeles Department of Water and Power v. Manhart</i> , 435 U.S. 702 (1978)<br>Commentary: Cassandra Jones Havard<br>Judgment: Tracy A. Thomas | 228 |
| 13 | <i>Harris v. McRae</i> , 448 U.S. 297 (1980)<br>Commentary: Mary Ziegler<br>Judgment: Leslie C. Griffin  | 242 |
| 14 | <i>Michael M. v. Superior Court</i> , 450 U.S. 464 (1981)<br>Commentary: Margo Kaplan<br>Judgment: Cynthia Godsoe  | 257 |

	<i>Contents</i>	ix
15	<i>Rostker v. Goldberg</i> , 453 U.S. 57 (1981) Commentary: Jamie R. Abrams Judgment: David S. Cohen	272
16	<i>Meritor Savings Bank v. Vinson</i> , 477 U.S. 57 (1986) Commentary: Kristen Konrad Tiscione Judgment: Angela Onwuachi-Willig	297
17	<i>Johnson v. Transportation Agency</i> , 480 U.S. 616 (1987) Commentary: Deborah Gordon Judgment: Deborah L. Rhode	322
18	<i>Price Waterhouse v. Hopkins</i> , 490 U.S. 228 (1989) Commentary: Dale Margolin Cecka Judgment: Martha Chamallas	341
19	<i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i> , 505 U.S. 833 (1992) Commentary: Macarena Sáez Judgment: Lisa R. Pruitt	361
20	<i>United States v. Virginia</i> , 518 U.S. 515 (1996) Commentary: Christine M. Venter Judgment: Valorie K. Vojdik	384
21	<i>Oncale v. Sundowner Offshore Services, Inc.</i> , 523 U.S. 75 (1998) Commentary: Margaret E. Johnson Judgment: Ann C. McGinley	408
22	<i>Gebser v. Lago Vista Independent School District</i> , 524 U.S. 274 (1998) Commentary: Michelle S. Simon Judgment: Ann Bartow	426
23	<i>United States v. Morrison</i> , 529 U.S. 598 (2000) Commentary: Shaakirrah R. Sanders Judgment: Aníbal Rosario Lebrón	447
24	<i>Nguyen v. INS</i> , 533 U.S. 53 (2001) Commentary: Sandra S. Park Judgment: Ilene Durst	468

25	<i>Lawrence v. Texas</i> , 539 U.S. 558 (2003) Commentary: Kris McDaniel-Miccio Judgment: Ruthann Robson	485
26	<i>Town of Castle Rock v. Gonzales</i> , 545 U.S. 748 (2005) Commentary: Patricia A. Broussard Judgment: Maria Isabel Medina	504
27	<i>Obergefell v. Hodges</i> , 135 S. Ct. 2584 (2015) Commentary: Erez Aloni Judgment: Carlos A. Ball	527
	<i>Index</i>	547



## Notes on contributors

**Jamie R. Abrams** is a Law Professor at the University of Louisville Brandeis School of Law where she teaches Family Law, Women & Law, and Torts. She received her LL.M. from Columbia University and her J.D. from American University. Her scholarship focuses on military integration, gendered citizenship, and birthing autonomy. She has published in various top law journals, including recent articles on the “Illusion of Autonomy in Women’s Medical Decision-Making” in the *Florida State Law Review* and on “Debunking the Myth of Universal Male Integration” in the *University of Michigan Journal of Law Reform*. Thanks to Corey Shiffman and Jeremy Woodruff for research and editing.

**Erez Aloni** is an Assistant Professor at Whittier Law School, where he teaches courses in contracts and domestic relations. Prior to joining Whittier, he was a fellow at the Center for Reproductive Rights and Columbia Law School. He received his LL.M. and S.J.D. from the University of Pennsylvania Law School. His articles have appeared in the *UCLA Law Review*, the *Tulane Law Review*, and the *Harvard Journal of Law and Gender*, among others. He would like to thank Carlos Ball for helpful remarks on the commentary and for consistent, thoughtful, feminist-spirited mentoring.

**Carlos A. Ball** is Distinguished Professor and Judge Frederick Lacey Scholar at the Rutgers University Law School. His books include *The First Amendment and LGBT Equality* (forthcoming); *Same-Sex Marriage and Children: A Tale of History, Social Science, and Law* (2014); *The Right to be Parents: LGBT Families and the Transformation of Parenthood* (2012); and *From the Closet to the Courtroom: Five LGBT Lawsuits That Have Changed Our Nation* (2010). He is also the editor of *After Marriage Equality: The Future of LGBT Rights* (New York University Press 2016).

**Ann Bartow** is Director of the Franklin Pierce Center for Intellectual Property and Professor of Law at the University of New Hampshire School of Law. She is a graduate of Cornell University and the University of Pennsylvania Law School. She also holds an LL.M. in Legal Education from Temple University's Beasley School of Law. She primarily writes and teaches in the Copyright Law, Patent Law and Trademark Law areas, often integrating feminist legal theory into these subjects. She dedicates the chapter she contributed to this book to Alida Starr Gebser, who showed amazing courage in the face of great injustice.

**Linda L. Berger** is the Family Foundation Professor of Law and the Associate Dean for Faculty Development and Research at UNLV Boyd School of Law. She teaches courses in legal communication and rhetoric. She received her B.S. from the University of Colorado and her J.D. from Case Western Reserve University School of Law. Berger is the President of the Legal Writing Institute and a founder of the peer-reviewed journal *Legal Communication & Rhetoric*. Her scholarship on rhetorical theory, study, and practice can be found in the *Journal of Legal Education*, the *Journal of Law and Policy*, the *Michigan State Law Review*, and the *Southern California Interdisciplinary Law Journal*, among others.

**Patricia A. Broussard** is a Professor of Law at Florida A & M University College of Law in Orlando, Florida. She teaches courses in Constitutional Law, Advanced Appellate Advocacy, and Advanced Topics of Women and the Law. She received her B.S. from Northwestern University and her J.D. from Howard University School of Law. Professor Broussard serves on the Board of the Society of American Law Teachers and is a Fulbright Scholar with a specialty in the study of female genital mutilation.

**Dale Margolin Cecka** is a Clinical Professor of Law and Director of the Family Law Clinic at the University of Richmond School of Law. She received her B.A. from Stanford University and her J.D. from Columbia University School of Law. Her scholarly articles have appeared in *Catholic University Law Review* and *West Virginia Law Review*, among others. She is a former Skadden Fellow and serves on the Board of Directors of the Virginia State Bar Section on Education of Lawyers.

**Martha Chamallas** holds the Robert J. Lynn Chair in Law at Ohio State's Moritz College of Law where she teaches Gender and the Law, Torts, and Employment Discrimination. She is the author of *The Measure of Injury: Race, Gender and Tort Law* (2010) (with Jennifer B. Wriggins) and *Introduction to Feminist Legal Theory* (3d. ed. 2013). She is the author of more than forty

articles and book chapters appearing in law journals such as the *Michigan Law Review*, *The University of Chicago Law Review*, the *University of Pennsylvania Law Review* and the *Southern California Law Review*. Many thanks to Allison Haugen for her terrific research assistance.

**David S. Cohen** is a Professor of Law at the Drexel University Thomas R. Kline School of Law where he teaches courses in Constitutional Law and Sex, Gender, and the Law. He is the co-author of *Living in the Crosshairs: The Untold Stories of Anti-Abortion Terrorism* (2015) and several articles about masculinity and sex segregation. Professor Cohen graduated from Columbia Law School and Dartmouth College. He thanks Suraji Wagage for her truly excellent research assistance.

**Bridget J. Crawford** is a Professor of Law at Pace University School of Law. She teaches courses in Feminist Legal Theory, Taxation, and Wills, Trusts & Estates. She received her B.A. from Yale University, her J.D. from the University of Pennsylvania Law School and her Ph.D. from Griffith University in Australia. Crawford is an elected member of the American Law Institute and the American College of Trust and Estate Counsel. She is the co-editor (with Anthony C. Infanti) of *Critical Tax Theory: An Introduction* and the subject of a profile in *What the Best Law Professors Do* (2013).

**Karen Syma Czapanskiy**, Professor of Law at the University of Maryland Francis King Carey School of Law, teaches courses on family law, property and families raising disabled children. She has written about family law, gender bias, family violence, welfare reform, special education, and public input in South Africa's legislative process. She served as chair of the Association of American Law Schools Section on Women in Legal Education and on the board of the Society of American Law Teachers. Active in electoral politics, she has served on the Montgomery County Democratic Central Committee and worked on behalf of candidates in local, state, and national elections.

**Cynthia Hawkins DeBose** is a Professor at Stetson University College of Law where she teaches courses in Family Law, Adoption Law, Child Welfare Law, Domestic Violence Law & Policy, and Family Law Mediation. She earned her B.A. degree from Wellesley College and her J.D. degree from Harvard Law School. Professor Hawkins DeBose is the author of *Mastering Adoption Law and Policy* (2015). She is a Florida Supreme Court Certified Family & Civil Law Mediator. She is a Former Chair of the Association of American Law Schools Women in Legal Education Section. She is licensed to practice law in Pennsylvania and Washington, D.C.

**Andrea Doneff**, at the time she wrote this Commentary, was an Associate Professor at Atlanta's John Marshall Law School (AJMLS). At AJMLS she was Director of the Legal Skills and Professionalism Program, and taught Dispute Resolution, Mediation, Legal Writing, Transactional Drafting, and Civil Procedure. She wrote primarily on dispute resolution, including arbitration and negotiation. Since writing this Commentary, Andrea has left AJMLS and joined the Kinnard Mediation Center at the United States Court of Appeals for the Eleventh Circuit as a Circuit Mediator. This Commentary reflects solely her own views and does not in any way reflect the views of the Court.

**Ilene Durst** is an Associate Professor of Law and the Director of Persuasive Legal Writing at Thomas Jefferson School of Law where she teaches courses in legal methods and communication, immigration and refugee law, and law and literature. She received her B.A. from the State University of New York at Albany, her J.D. from New York Law School, and her M.F.A. from University of California, Irvine.

**Lucinda M. Finley** is the Frank Raichle Professor of Law at the State University of New York at Buffalo Law School. Her teaching and research interests are in the areas of feminist theory, reproductive rights, gender and tort law, and employment discrimination. She has published widely on these topics in leading law reviews and in book collections. She is also an experienced federal appellate advocate who has successfully argued cases in the U.S. Supreme Court and in several federal circuit courts of appeal. From 2005 through 2014 she served in a top leadership position in the central administration of her University, as Vice Provost for Faculty Affairs.

**Iselin M. Gambert** is Associate Director and Associate Professor of Legal Writing at The George Washington University Law School. She teaches courses in legal communication and rhetoric and directs the legal Writing Center. Iselin received her B.A. from Pomona College and her J.D. from GW Law. She thanks Karen Thornton for inspiring her to pursue this project, Ryan Fletcher for his support and encouragement, Renee Reasoner for revision assistance, and Justice Ginsburg for making her private papers available. Iselin dedicates her commentary to her mother, Gry Gambert – the first feminist she ever met, and the most extraordinary person she has ever known.

**Cynthia Godsoe** is an Assistant Professor of Law at the Brooklyn Law School. She teaches courses in family law, criminal law, professional responsibility, and public interest lawyering. Her scholarship centers on the regulation of intimate behavior, gender and sexuality through family and criminal law, and her work has appeared in the *Tulane Law Review*, *Yale Law Journal Forum*,

and *Cardozo Law Review*. Professor Godsoe graduated from Harvard Law School in 1998, and received her Bachelor of Arts from Harvard College in 1993. She thanks Kaitlyn Devenyns for excellent research assistance and Liz Schneider and Bennett Capers for thoughtful comments.

**Phyllis Goldfarb** is the Jacob Burns Foundation Professor of Clinical Law and Associate Dean for Clinical Affairs at George Washington University Law School. Formerly she was a Professor of Law at Boston College Law School, teaching Criminal Justice Clinic, Gender and Legal Theory, and other courses. She serves as an Editor-in-Chief of the *Clinical Law Review* and has published articles on various topics, including her representation of women who killed batterers (*George Washington Law Review*) and feminism's ethical relationship to clinical education (*Minnesota Law Review*). She holds a B.A. (Brandeis), an Ed.M. (Harvard), a J.D. (Yale), and an LL.M. (Georgetown).

**Deborah Gordon** is an Associate Professor of Law at the Drexel University Thomas R. Kline School of Law. She teaches courses in Legal Methods and Wills, Trusts and Estates. She received her B.A. from Williams College and her J.D. from New York University Law School, where she served as editor-in-chief of the Law Review. She is the current secretary of the Association of American Law Schools Section on Trusts & Estates.

**Leslie C. Griffin** is the William S. Boyd Professor of Law at UNLV Boyd School of Law. She teaches constitutional law, law and religion, and bioethics. She received her J.D. from Stanford Law School and her Ph.D. in Religious Studies from Yale University.

**Cassandra Jones Havard** is a Professor of Law at the University of Baltimore School of Law. She teaches courses in banking, corporate and commercial law. She earned a B.A. with highest honors from Bennett College and a J.D. from the University of Pennsylvania where she was editor-in-chief of the *Black Law Journal*. After law school, Jones Havard clerked on the Third Circuit Court of Appeals for the Honorable A. Leon Higginbotham, Jr. At Baltimore, she serves on the Faculty Senate and is the Director of the Charles Hamilton Houston Scholars Program, a pipeline program for underrepresented minority and economically disadvantaged undergraduates interested in a legal career.

**Berta Esperanza Hernández-Truyol** is the Levin, Mabie & Levin Professor of Law at the University of Florida Levin College of Law and an affiliate professor at the Center for Women's and Gender Studies and the Center for Latin American Studies. She teaches international law, international human rights, and specialized, interdisciplinary, graduate seminars on human rights. Her

scholarly work explores issues of gender, race, culture, sexuality, and language and their interconnections. Her publications include: *Just Trade; Moral Imperialism*; and close to 100 articles and chapters. She is a member of the American Law Institute and the American Society of International Law; she serves on the Board of Southern Legal Counsel.

**Kimberly Holst** teaches legal writing and skills courses at the Sandra Day O'Connor College of Law at Arizona State University. Her scholarship focuses on the intersection of educational pedagogy and traditional law school pedagogy and the development of law school pedagogy in the global context. She has also written in the areas of intellectual property law and criminal procedure. Professor Holst serves on the Board of Directors for the Legal Writing Institute and as a Co-Managing Editor for *Legal Writing: The Journal of the Legal Writing Institute*, and is a past Chair of the Association of American Law Schools Section on Legal Writing, Reasoning, and Research.

**Margaret E. Johnson** is an Associate Professor and Co-Director for the Center on Applied Feminism at the University of Baltimore School of Law. Her scholarship focuses on social justice and systemic reform issues relating to domestic violence and the legal system as well as feminist legal theory and gender justice. Her scholarly articles have appeared in the *UC Davis Law Review*, the *BYU Law Review*, the *Cardozo Law Review*, and the *Villanova Law Review*, among others. She thanks Addie Crawford for her able research assistance and Kathy Stanchi and Ann McGinley for their comments.

**Margo Kaplan** is an Associate Professor at Rutgers Law School, where she teaches courses on criminal law, health law and policy, and sex crimes. Her research explores legal limitations on intimate decisions, particularly the use of criminal law in areas of sex and health. Professor Kaplan's publications have examined topics such as sex-positive law, HIV-exposure criminalization, sexual assault, and pedophilia. She holds a joint appointment with the Department of Public Policy and Administration.

**Inga N. Laurent** is an Associate Professor and Director of the Externship Program at Gonzaga University School of Law. She is engaged with initiatives to help diversify the legal profession and to reform the criminal justice system. Prior to joining academia, she worked as a staff attorney with Southeastern Ohio Legal Services (SEOLS) under a grant from the federal Violence Against Women Act. While at SEOLS, she provided holistic civil legal services to victims of domestic violence and worked to systematically address domestic violence issues.

**Pamela Laufer-Ukeles** is Professor of Law at the University of Dayton School of Law. From 2014 to 2016 she has also been affiliated with Bar-Ilan University and Shaarei Mishpat College of Law in Israel. Her scholarship and teaching are in the fields of family law, reproductive rights, bioethics, gender and the law, and torts. She has published numerous law review articles and book chapters including articles in the *Indiana Law Journal*, *Connecticut Law Review*, *Harvard Journal of Gender and the Law*, and the *American Journal of Law and Medicine*. Her current work explores the nature of relational rights and commercial intimacy. She is a graduate of Harvard Law School and Columbia College.

**Aníbal Rosario Lebrón** is a Puerto Rican attorney, linguist, and photographer currently serving as an Assistant Professor of Lawyering Skills at Howard University School of Law. He works also as a Consultant to the Solicitor General of the Commonwealth of Puerto Rico. He holds a B.S. in Biology, a J.D., and a Post-Graduate Certificate in Linguistics from the University of Puerto Rico as well as a LL.M. in Legal Theory from New York University. He would like to thank his research assistant, Aaron P. Riggs, for his insightful comments and dedication to this project.

**Maya Manian** is a Professor of Law at the University of San Francisco School of Law. She teaches courses on Constitutional Law, Family Law, and Gender and the Law. Professor Manian received her B.A. from the University of Michigan and her J.D. from Harvard Law School. Her research focuses on access to reproductive health care. Her scholarly articles have appeared in the *Washington and Lee Law Review*, the *Ohio State Law Journal*, and the *Duke Journal of Gender Law & Policy*, among others. She thanks Amy Wright for excellent services as research librarian.

**Kris McDaniel-Miccio**, Professor of Law at the Sturm College of Law, University of Denver, is also a research faculty member at the Centre for Gender and Women Studies, Trinity College Dublin and the Equality Institute, University College Dublin, Ireland. While a Fulbright, Marie Curie and Trinity College Scholar, she conducted research on freedom-to-marry movements in the U.S., Northern Ireland, and Ireland. In Ireland, she lectured and debated issues specific to the Irish Marriage Equality Referendum. In the U.S., Professor McDaniel-Miccio and her wife were the lead plaintiffs in a successful lawsuit challenging Colorado's mini DOMA. Her scholarship has been published in law review and peer-reviewed scholarly journals in the U.S. and Ireland. And finally, she is an ordained rabbi!



**Ann C. McGinley**, the William S. Boyd Professor of Law at the UNLV Boyd School of Law, is an internationally recognized scholar in gender, employment discrimination, and disability law and a leader in Multidimensional Masculinities Theory. She is a co-editor of *Masculinities and the Law: A Multidimensional Approach* (2012) (with Frank Rudy Cooper) and a co-author of *Disability Law: Cases, Materials, Problems* (5th ed.) (with Laura Rothstein). Her most recent book, *Through a Different Lens: Perspectives on Masculinity and Employment Discrimination Law* is forthcoming in 2016.

**Teri McMurtry-Chubb** is an Associate Professor of Law at Mercer University School of Law. She researches, teaches, and writes in the areas of discourse analysis and rhetoric, critical race theory/feminism, hegemony studies, and legal history. Professor McMurtry-Chubb is the co-founder of the Center for Law, Diversity & Justice at Fairhaven College of Interdisciplinary Studies in Bellingham, Washington, and the author of *Legal Writing in the Disciplines: A Guide to Legal Writing Mastery* (2012). She thanks God, her colleagues who read and supported this work, and her husband Mark A. Chubb for jumping the broom over nineteen years ago.

**Maria Isabel Medina** is the Ferris Family Distinguished Professor of Law at Loyola University New Orleans College of Law. She teaches and writes about gender, constitutional law, and immigration law, and is a past co-chair of the Constitutional Law Section and past chair of the Immigration Law Section of the Association of American Law Schools. She is an elected member of the American Law Institute. She thanks Chelsea Rice for research assistance, commentator Patricia Broussard, editor Linda Berger, and the participants of the Tulane Law School's Faculty Summer Workshop series, in particular Shu-Yi Oei, Catherine Hancock, John Lovett, and John Blevins.

**Kimberly M. Mutcherson** is Vice Dean and Professor of Law at Rutgers School of Law, where she teaches courses in family law, bioethics, health law and policy. She received her B.A. from the University of Pennsylvania and her J.D. from Columbia Law School. Her work appears in numerous scholarly journals and she speaks nationally and internationally as an expert on assisted reproduction. She thanks David Cohen, Bridget Crawford, Jody Lyneé Madeira, Rachel Rebouché, and Priscilla Smith for their helpful edits and comments.

**Maria L. Ontiveros** is Professor of Law and co-director of the labor and employment law program at University of San Francisco School of Law. She holds an A.B. from University of California, Berkeley; a J.D. from Harvard Law School; an M.I.L.R. from Cornell; and a J.S.D. from Stanford Law



School. Her research focuses on organizing immigrant workers, workplace harassment of women of color, and modern-day applications of the Thirteenth Amendment. Catherine Tran, USF 2014, and Lee Ryan, reference librarian, both provided excellent research help.

**Angela Onwuachi-Willig** is the Kierscht Professor of Law at the University of Iowa and a graduate of Grinnell College, University of Michigan Law School, and Yale Graduate School of Arts and Sciences. She authored *According to Our Hearts: Rhinelander v. Rhinelander and the Law of the Multiracial Family* (2013). Her articles have appeared in journals such as the *Yale Law Journal* and *California Law Review*. She is an elected American Law Institute member, a recipient of the Association of American Law Schools Minority Groups Section's Clyde Ferguson Award and Derrick Bell Award, and a former Iowa Supreme Court finalist. She thanks Kristen Tiscione and Kathryn Stanchi.

**Sandra S. Park** is a Senior Staff Attorney in the ACLU Women's Rights Project. She engages in litigation and policy advocacy at the national and local levels to advance the human rights and civil liberties of women and girls. Sandra's current focus includes challenging discrimination faced by survivors of gender-based violence in housing, law enforcement, schools, and the military. She also represented twenty medical organizations, geneticists, and patients to win a unanimous 2013 ruling from the U.S. Supreme Court invalidating human gene patents. She graduated *magna cum laude* from Harvard College and New York University School of Law.

**Nancy D. Polikoff** is Professor of Law at American University Washington College of Law where she teaches Family Law and a seminar on Children of LGBT Parents. For forty years, she has been writing about, teaching about, and working on litigation and legislation about LGBT families. Her book, *Beyond (Straight and Gay) Marriage: Valuing All Families under the Law*, was published in 2008. Professor Polikoff is a member of the National Family Law Advisory Council of the National Center for Lesbian Rights. In 2011, she received the National LGBT Bar Association's Dan Bradley award, the organization's highest honor.

**Lisa R. Pruitt** is a Professor of Law at the University of California, Davis, Martin Luther King, Jr. School of Law, where she teaches torts, feminist legal theory, and law and rural livelihoods, among other courses. Much of Professor Pruitt's scholarship theorizes the legal relevance of rural socio-spatiality, with specific attention to the junctures at which rural women encounter law and legal institutions. She has written extensively about abortion access for

rural women, including *Toward a Feminist Theory of the Rural* (2007) and *Urbanormativity, Spatial Privilege, and Judicial Blind Spots in Abortion Law* (2015).

**Dara E. Purvis** is an Assistant Professor of Law at the Pennsylvania State University School of Law. She teaches courses in family law, sexuality and the law, and contracts. She received her J.D. from Yale, her M.Phil. from the University of Cambridge, and her B.A. from the University of Southern California.

**Rachel Rebouché** is an Associate Professor at Temple University Beasley School of Law. She teaches Family Law, Health Law, and Comparative Family Law. Her current research focuses on reproductive health, collaborative divorce, genetic testing, and governance feminism. She received a J.D. from Harvard Law School, LL.M. from Queen's University, Belfast, and B.A. from Trinity University. She was an associate director of adolescent health programs at the National Partnership for Women & Families and a Women's Law and Public Policy Fellow at the National Women's Law Center. Professor Rebouché clerked for Justice Kate O'Regan on the Constitutional Court of South Africa.

**Deborah L. Rhode** is the Ernest W. McFarland Professor of Law and Director of the Center on the Legal Profession at Stanford University. She is the former Chair of the American Bar Association Commission on Women in the Legal Profession, and former Director of Stanford's Institute for Research on Women and Gender. Her recent books on gender include *What Women Want* (2014), *The Beauty Bias* (2010) and *Gender and Law* (with Katharine Bartlett and Joanna Grossman, 2013).

**Ruthann Robson** is Professor of Law and University Distinguished Professor at the City University of New York (CUNY) School of Law, where she has taught since 1990 primarily in the areas of constitutional law and sexuality and law. Her books include *Dressing Constitutionally: Hierarchy, Sexuality, and Democracy* (2013); *Sappho Goes to Law School* (1998); *Gay Men, Lesbians, and the Law* (1996); and *Lesbian (Out)Law: Survival Under the Rule of Law* (1992). She is the editor of the casebook *First Amendment Cases, Controversies, and Contexts* and the three volume set, *International Library of Essays in Sexuality and Law* (2011). She is one of the twenty-six professors selected for inclusion in *What the Best Law Teachers Do* (Harvard University Press 2013).

**Laura Rosenbury** is the Dean and Levin, Mabile & Levin Professor of Law at University of Florida Levin College of Law. Her scholarship focuses on

law's participation in the construction of gender. She has explored law's relationship to friendship, intimacy, sex, marriage, and childrearing, analyzing the ways such personal relationships shape legal and cultural understandings of male and female roles. Dean Rosenbury is also the co-author of the fourth edition of the *Feminist Jurisprudence* casebook, along with Cynthia Bowman, Deborah Tuerkheimer, and Kimberly Yuracko. She welcomes all feminist inquiries at rosenbury@yahoo.com.

**Macarena Sáez** is a Fellow in International Legal Studies and the Director of the Center for Human Rights and Humanitarian Law at American University Washington College of Law. She teaches Family Law, Comparative Family Law and Human Rights Strategic Litigation. She has written extensively in the areas of gender, sexuality and the law. She is the co-editor of the first casebook on gender and the law in Latin America. Professor Sáez was one of the main attorneys in the first case on sexual orientation before the Inter-American System of Human Rights.

**Shaakirrah R. Sanders** teaches Constitutional Law, Criminal Procedure, and the First Amendment at the University of Idaho College of Law. She has appeared in *The New York Times*, Associated Press, Al Jazeera America, Northwest and Boise State Public Radio, and Boise's KTVB News 7, KITV News 9, and KBOI News 2. She earned a B.S. from Trinity College (Hartford, Connecticut) and a J.D. from Loyola University New Orleans College of Law. She served as a judicial law clerk in the United States District Court for the Eastern District of Louisiana and the United States Court of Appeals for the Eighth Circuit.

**Michelle S. Simon** is a Professor at Pace Law School, where she served as Dean from 2007 to 2014. She currently teaches civil procedure, torts, conflicts and education law. She received her B.A. from SUNY Albany and her J.D. from Syracuse Law School. She thanks Anastazia Sienty for helpful research and editorial assistance.

**Brenda V. Smith** is a Professor of Law and Director of the Project on Addressing Prison Rape at American University, Washington College of Law. She received her B.A. from Spelman College and J.D. from Georgetown University Law Center. Her scholarly articles have appeared in *University of California, Los Angeles Law Review*, *North Carolina Law Review*, *Yale Journal of Law and Feminism*, *Columbia Journal of Gender and Law* and the *American University Journal of Gender, Social Policy and Law*. She served as Commissioner on the National Prison Rape Elimination Commission from 2003 to 2009. She thanks Emma Burgess Roy for invaluable research assistance.

**Kathryn M. Stanchi** is a Professor of Law and Affiliated Professor of Women's Studies at Temple University Beasley School of Law. She teaches writing courses, including courses in feminism and advocacy, her main scholarly areas of concentration. Her articles have appeared in the *Washington Law Review*, the *Harvard Civil Rights-Civil Liberties Law Review* and the *Berkeley Women's Law Journal*, among others. She attended Bryn Mawr College and the University of Pennsylvania, both of which influenced her feminist consciousness in different ways. She received her J.D., *magna cum laude*, from Boston University School of Law.

**Tracy A. Thomas** is Associate Dean for Institutional Excellence and Seiberling Chair of Constitutional Law at The University of Akron School of Law. She teaches courses on family law, dispute resolution, and remedies, and also directs the Constitutional Law Center. She is past chair of the Association of American Law Schools Section on Remedies. Professor Thomas is co-editor of the *Gender and the Law Prof Blog* and editor of the annual *Women and the Law*.

**Kristen Konrad Tiscione** is a Professor of Legal Research and Writing at Georgetown University Law Center. She has taught in the J.D. and LL.M. programs for twenty years. She received her B.A. from Wellesley College and her J.D. from Georgetown. She is a member of the Board of Directors of the Legal Writing Institute and the Secretary of the Association of Legal Writing Directors. She is also serving a second term as a member of the Editorial Board of *Legal Writing: The Journal of the Legal Writing Institute*. Her scholarly interests include classical rhetoric, feminist legal theory, and employment discrimination.

**Christine M. Venter** is the Director of the Legal Writing Program at Notre Dame Law School, where she also teaches Gender Issues and is a research faculty member in the Gender Studies program. She obtained her undergraduate and law degrees from the University of Cape Town in South Africa and a Masters and Doctorate in International Human Rights from Notre Dame Law School. She is the author of *International Women's Rights: Equality and Justice* (2012).

**Valorie K. Vojdik** is a Professor of Law at the University of Tennessee College of Law. She teaches Sex, Gender and Justice; Civil Procedure; Civil Rights; and related courses. Her research and scholarship focuses on feminist legal theory, masculinities theory, gender and war, and international women's rights. She received her J.D. from New York University School of Law and her

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Frontmatter  
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*Notes on contributors*

xxiii

A.B. *magna cum laude* from Brown University. She has litigated cases involving gender discrimination and was lead counsel to Shannon Faulkner in the federal lawsuit that successfully challenged the male-only admission policy of The Citadel in South Carolina.

**Mary Ziegler** is the Stearns, Weaver, Miller Professor at Florida State University College of Law, where she teaches courses in reproduction, gender, and sexuality, family law, employment law, and torts. She received her B.A. and J.D. from Harvard University. In addition to more than twenty articles, she is the author of *After Roe: The Lost History of the Abortion Debate* (2015). She would like to thank Linda Berger and Leslie Griffin for their editorial assistance.

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## Advisory panel

Kathryn Abrams  
Herma Hill Kay Distinguished Professor of Law  
University of California, Berkeley, School of Law

Katharine T. Bartlett  
A. Kenneth Pye Professor of Law  
Duke University School of Law

Devon W. Carbado  
The Honorable Harry Pregerson Professor of Law  
University of California, Los Angeles, School of Law

Mary Anne Case  
Arnold I. Shure Professor of Law  
The University of Chicago Law School

Erwin Chemerinsky  
Dean of the School of Law  
Distinguished Professor of Law  
Raymond Pryke Professor of First Amendment Law  
University of California, Irvine, School of Law

April L. Cherry  
Professor of Law  
Cleveland-Marshall College of Law

Kimberlé W. Crenshaw  
Distinguished Professor of Law  
University of California, Los Angeles, School of Law  
Professor of Law, Columbia Law School

Martha Albertson Fineman

Robert W. Woodruff Professor of Law  
Emory University School of Law

Margaret E. Johnson

Associate Professor of Law  
University of Baltimore School of Law

Sonia Katyal

Professor of Law  
University of California, Berkeley, School of Law

Nancy Leong

Associate Professor  
University of Denver Sturm College of Law

Catharine A. MacKinnon

Elizabeth A. Long Professor of Law, University of Michigan Law School  
James Ames Barr Visiting Professor, Harvard Law School

Rachel Moran

William H. Neukom Fellows Research Chair  
American Bar Foundation

Melissa Murray

Professor of Law  
University of California, Berkeley, School of Law

Angela Onwuachi-Willig

Charles M. and Marion J. Kierscht Professor of Law  
The University of Iowa College of Law

Nancy D. Polikoff

Professor of Law  
American University Washington College of Law

Dorothy E. Roberts

George A. Weiss University Professor of Law and Sociology and the Raymond  
Pace and Sadie Tanner Mossell Alexander Professor of Civil Rights  
University of Pennsylvania Law School

Daniel B. Rodriguez

Dean and Harold Washington Professor  
Northwestern University School of Law

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*Advisory panel*

xxvii

Susan Deller Ross  
Professor of Law  
Georgetown University Law Center

Vicki Schultz  
Ford Foundation Professor of Law and Social Sciences  
Yale Law School

Dean Spade  
Associate Professor of Law  
Seattle University School of Law

Robin L. West  
Frederick J. Haas Professor of Law and Philosophy  
Georgetown University Law Center

Verna L. Williams  
Judge Joseph P. Kinneary Professor of Law  
University of Cincinnati College of Law



## Preface

What would United States Supreme Court opinions look like if key decisions on gender issues were written with a feminist perspective? To begin to answer this question, we brought together a group of scholars and lawyers to rewrite, using feminist reasoning, the most significant U.S. Supreme Court cases on gender from the 1800s to the present day. While feminist legal theory has developed and even thrived within universities, and feminist activists and lawyers are responsible for major changes in the law, feminist reasoning has had a less clear impact on judicial decision making. Doctrines of *stare decisis* and judicial language of neutrality can operate to obscure structural bias in the law, making it difficult to see what feminism could bring to judicial reasoning.

The twenty-five opinions in this volume demonstrate that judges with feminist viewpoints could have changed the course of the law. The rewritten decisions show that previously accepted judicial outcomes were not necessary or inevitable and demonstrate that feminist reasoning increases the judicial capacity for justice, not only for women but for many other oppressed groups. The remarkable differences evident in the rewritten opinions also open a path for a long overdue discussion of the real impact that judicial diversity has on law and of the influence that perspective has in judging.

Kathryn M. Stanchi  
Linda L. Berger  
Bridget J. Crawford

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[More Information](#)

---

xxxii

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educate her even though they grew up in a time and culture that believed it a waste of time and money to educate girls. Linda Berger thanks Terry Pollman, Ann McGinley, Leslie Griffin, Andi Orwoll, Maria Campos, Dan Hamilton, and Boyd School of Law. Bridget Crawford thanks Horace Anderson, Lolita Buckner Inniss, Catharine MacKinnon, Dan Renkin, and Michelle Simon.

## About the cover art

On the cover, *Little Girl from Harlem* © Soraida Martinez

Soraida Martinez is a New York-born artist of Puerto Rican heritage who, since 1992, has been known for creating the art of “Verdadism,” a contemporary form of the style of hardedge painting where every painting is accompanied by a written social commentary. Soraida’s paintings depict her life experiences for the purpose of promoting peace, tolerance, and understanding. Soraida’s Verdadism art can be seen at [soraida.com](http://soraida.com).

### Commentary on *Little Girl from Harlem*

As a little girl living in Harlem, I always knew that Harlem was some kind of exile. What I didn’t know was why I had to be there. There were happy times as well as sad times ... but, to escape, I would always daydream. I would daydream of a backyard, of growing up and going to art school, and of moving away. As an adult, I was always embarrassed to say that I was born in Harlem and that I had lived there until I turned fourteen ... because people were quick to judge me. Most people assume that I grew up middle-class and came from a middle-class neighborhood. Little do they know that there are lots of people from Harlem that are just like me.

– Soraida Martinez 1995

## Table of cases

<i>Abele v. Markle</i> , 342 F. Supp. 800 (D. Conn. 1972) .....	163
<i>Adkins v. Children's Hospital</i> , 261 U.S. 525 (1923) .....	60
<i>Ahrenfeldt v. Ahrenfeldt</i> , 1 Hoff. Ch. 497 (N.Y. Ch. 1840).....	142–43
<i>Aiello v. Hansen</i> , 359 F. Supp. 792 (N.D. Cal. 1973).....	186–87, 194, 203–05
<i>Akron v. Akron Ctr. for Reprod. Health, Inc.</i> , 462 U.S. 416 (1983).....	361, 369, 375–76
<i>Albemarle Paper Co. v. Moody</i> , 422 U.S. 405 (1975) .....	215, 229, 239–41
<i>Andersen v. King County</i> , 138 P.3d 963 (Wash. 2006).....	537
<i>Aptheker v. Secretary of State</i> , 378 U.S. 500 (1964).....	156
<i>Babbitz v. McCann</i> , 310 F. Supp. 293 (E.D. Wis. 1970) .....	154
<i>Baehr v. Lewin</i> , 852 P.2d 44 (Haw. 1993).....	527, 535
<i>Balistreri v. Pacifica Police Dept.</i> , 901 F.2d 696 (9th Cir. 1990).....	464
<i>Barbier v. Connolly</i> , 113 U.S. 27 (1885).....	85
<i>Barnes v. Costle</i> , 561 F.2d 983 (D.D.C. 1977) .....	297
<i>Barry v. Barchi</i> , 443 U.S. 55 (1979).....	519
<i>Baynard v. Malone</i> , 268 F.3d 228 (4th Cir. 2001).....	427
<i>Bellotti v. Baird</i> , 443 U.S. 622 (1979).....	382
<i>Bell's Gap R. Co. v. Commonwealth of Pennsylvania</i> , 134 U.S. 232 (1890).....	85
<i>Bell v. Burson</i> , 402 U.S. 535 (1971) .....	519
<i>Bishop v. Wood</i> , 426 U.S. 341 (1976) .....	519
<i>Bland v. Dowling</i> , 9 G & J. 19 (Md. 1837) .....	124
<i>Board of Regents v. Roth</i> , 408 U.S. 564 (1972) .....	516, 518–19
<i>Bolden v. Doe</i> (In re J.S.), No. 20120751, 2014 WL 5573353 (Utah Nov. 4, 2014) .....	471
<i>Bollenback v. Bd. of Educ. of Monroe-Woodbury Cent. Sch. Dist.</i> , 659 F. Supp. 1450 (S.D.N.Y. 1987).....	422
<i>Bolling v. Sharpe</i> , 347 U.S. 497 (1953) .....	106, 174

<i>Bostic v. Smyrna Sch. Dist.</i> , 418 F.3d 355 (3d Cir. 2005).....	427
<i>Bottoms v. Bottoms</i> , 457 S.E.2d 102 (Va. 1995).....	502
<i>Bourke v. Beshear</i> , 996 F. Supp. 2d 542 (2014).....	536
<i>Bowen v. Gilliard</i> , 483 U.S. 587 (1987).....	537–38
<i>Bowers v. Hardwick</i> , 478 U.S. 186 (1986).....	17, 410, 489, 495, 533
<i>Bradwell v. Illinois</i> , 55 Ill. 535 (1869).....	56, 94
<i>Bradwell v. Illinois</i> , 83 U.S. 130 (1873).....	10, 14, 40, 47, 58, 60, 70, 73–4, 163, 177–78, 191, 234, 266, 280, 398, 497
<i>Bray v. Alexandria Women’s Health Clinic</i> , 506 U.S. 263 (1993).....	246
<i>Brockett v. Spokane Arcades, Inc.</i> , 472 U.S. 491 (1985).....	519–20
<i>Brown v. Board of Education</i> , 347 U.S. 483 (1954).....	292, 294, 390, 402
<i>Brzonkala v. Virginia Pol’c Inst. &amp; State Univ.</i> , 935 F. Supp. 779 (W.D. Va. 1996).....	456
<i>Brzonkala v. Virginia Pol’c Inst. &amp; State Univ.</i> , 132 F.3d 949 (4th Cir. 1997).....	456
<i>Brzonkala v. Virginia Pol’c Inst. &amp; State Univ.</i> , 169 F.3d 820 (4th Cir. 1999).....	450, 456
<i>Buck v. Bell</i> , 274 U.S. 200 (1927).....	166
<i>Bundy v. Jackson</i> , 641 F.2d 934 (D.C. Cir. 1981).....	314
<i>Bunting v. Oregon</i> , 243 U.S. 426 (1917).....	81
<i>Burlington Indus., Inc. v. Ellerth</i> , 524 U.S. 742 (1998).....	299
<i>Burton v. Wilmington Parking Authority</i> , 365 U.S. 715 (1961).....	134
<i>Burwell v. Hobby Lobby</i> , 134 S. Ct. 2751 (2014).....	40, 189
<i>Caban v. Mohammed</i> , 441 U.S. 380 (1979).....	139, 373
<i>Califano v. Goldfarb</i> , 430 U.S. 199 (1977).....	231, 234, 236–37, 350, 535
<i>Califano v. Webster</i> , 430 U.S. 313 (1977).....	279
<i>Califano v. Westcott</i> , 443 U.S. 76 (1979).....	287–88, 535
<i>Cannon v. University of Chicago</i> , 441 U.S. 677 (1979).....	427, 432
<i>Cantwell v. Connecticut</i> , 310 U.S. 296 (1940).....	106
<i>Canutillo Indep. Sch. Dist. v. Leija</i> , 101 F.3d 393 (5th Cir. 1996).....	440
<i>Carey v. Population Services International</i> , 431 U.S. 678 (1977).....	98, 367
<i>Castaneda v. Partida</i> , 430 U.S. 482 (1977).....	417
<i>Chaplinsky v. New Hampshire</i> , 315 U.S. 568 (1942).....	491
<i>Chevron Oil Co. v. Huson</i> , 404 U.S. 97 (1971).....	240
<i>Chicoine v. Chicoine</i> , 479 N.W.2d 891 (S.D. 1992).....	503
<i>Christensen v. State</i> , 468 S.E.2d 188 (Ga. 1996).....	501
<i>City of Boerne v. Flores</i> , 521 U.S. 507 (1997).....	450, 464
<i>City of Cleburne v. Cleburne Living Ctr., Inc.</i> , 473 U.S. 432 (1985).....	397, 499, 537