Reproductive Rights (Law 6036)

Professor Judith T. Younger

Spring 2013 – Syllabus and Table of Contents

Required Course Materials

There is no casebook for the Course because none covers the material adequately. Instead, there is a customized packet of materials at the Bookstore. I’ve posted other materials listed in the Syllabus on TWEN in the section Web Links, or Course Materials. Some you can find yourselves on Westlaw.

Requirements for Successful Completion of the Course

The law school requires students to attend class regularly. In a course like this one, where discussion depends so heavily on your expressed ideas and opinions, it is especially important that you come to class. Accordingly, I expect you to be there every day. If you must be absent on any day, please let me know in advance, so that I can excuse you. It is similarly important for this course that you prepare each assignment before the week for which it is assigned. To help you do that, I am requiring you to answer one question per week on the TWEN Forums. Your answer is due by Sunday at noon and must be 200-300 words. The questions you are to answer will be posted on TWEN under “Forums.” I will send you a separate list of questions for class discussion. I will take lack of preparation in class, missed postings on the forums, and multiple unexcused absences into account in deciding your final grade. There will also be a final exam in the course. We will discuss the exam in class and decide together on what form it should take.

Course Description and Goals

The age-old debate on the rights of individuals to sexual determination and reproductive autonomy rages on. It grows more contentious as new technology and heated political confrontations alter the playing field. This course, using cases, statutes, and ancient and contemporary critical writings, examines the legal foundations for, and the social implications of, regulating contraception, abortion, pregnancy, childbirth, and assisted reproduction. It addresses access, funding, rights of men, women, minors, fetuses, and government. It deals with ethical considerations and international perspectives, as well.

Some of the course material is graphic and may shock you, but it is, nevertheless, true to life.

How to Reach Me
My office number is 322, my telephone number is 612-625-5844, and my e-mail address is young001@umn.edu. If you want to see me and don’t find me in my office, e-mail or call to set up an appointment.

**Assignments**

**Week of January 22 (2 classes)**

**This Course in a Nutshell**


**Traditional Reproduction: Selected “History” and Background**


**Week of January 28 (3 classes)**


16. Letter from Thomas Jefferson to Joel Yancey (Jan. 17, 1819), in *Commentary and Relevant Extracts from Other Writings*, at 43.

17. The Comstock Act: Then and Now.

**Early Battles for Control of Reproductive Capacity**


**Constitutional Protection for Contraception**

The Pill (in class movie)

**Week of February 4 (3 classes)**


**Postscripts to Buck, Skinner, Griswold, and Eisenstadt**


**Constitutional Protection for Abortion**

*Jane: An Abortion Service* (in class movie)


**Week of February 11 (3 classes)**

**Postscripts to Roe and Doe**


35. *Affidavit of Sandra Cano*, Appendix A to Brief of Sandra Cano, *(Gonzalez v. Carhart, 127 S. Ct. 1610) (2007)* (Sandra Cano is the “Mary Doe” of *Doe v. Bolton*, *(Doe v. Bolton is item 32, supra; Gonzalez v. Carhart is item 57, infra)*).

**Refusing to Sterilize the “Fit” and Sterilizing the “Unfit” After Roe and Doe**


**Sentencing and Probation Conditions**


**Week of February 18 (3 classes)**

**Defunding Abortion**


**Reducing Roe Further**


55. *Dilation and Evacuation Abortion (D&E) of a 23 Week Old Fetus*, National Right to Life (2003), TWEN Web Link (illustration of the procedure).

**Week of February 25 (3 classes)**


**Personifying Fetuses**

*The Silent Scream* (in class movie)


**Week of March 4 (3 classes)**

**Marginalizing Men**


65. Pam Belluck, Fatherhood Cuts Testosterone, Study Finds, for Good of the Family, N.Y. Times, September 13, 2011, TWEN Web Link.


**Protecting Women From Abortion**


**Week of March 11 (3 classes)**

12th and Delaware (in class movie)


**Pregnancy and Childbirth**


_The Business of Being Born_ (in class movie)

84. American College of Obstetricians and Gynecologists, *Committee Opinion #476*


**Week of March 25 (3 classes)**

**Minors**


**Week of April 1 (3 classes)**

**Assisted Reproduction: Selected “History” and Background**

100. Timeline.


*The Building Blocks*


**Week of April 8 (3 classes)**

*What Can Go Wrong*


118. Elizabeth Marquardt, Norval D. Glenn, and Karen Clark, Co-Investigators, *My Daddy’s Name is Donor, A Study of Young Adults Conceived through Sperm Donation*, Executive Summary, TWEN Web Link.

**Leftover Embryos**


**Week of April 15 (3 classes)**

**Designer Babies**


**Surrogacy**


**Reproductive Tourism**

*Made in India* (in class movie)


**Week of April 22 (3 classes)**

**More About Doctors**

144. Hippocrates and the Hippocratic Oath


**Week of April 29 (2 classes)**

*Providers’ Conscience v. Patients’ Rights*


155. Sean Murphy, *Conscientious Objection: Resisting Ethical Aggression in Medicine*, Issues In Depth Ethical Commentary, TWEN Web Link.


*The End: Back to the Beginning*


*Four Months, Three Weeks and Two Days* (in class movie, if we have time).