This seminar will explore the challenges of work and family, as they play out with respect to employers, employees, families, and policymakers. We will discuss the law, but we will also discuss the structure, economics, and sociology of families and of the workplace. Themes and questions will include:

1. How does government policy and law affect private decisions about work and family? What is the proper role of government?
2. How does the challenge of balancing work and family vary according to class?
3. What role does gender play in families’, employers’, and government decisionmaking about work and family issues?
4. How do other countries approach work and family issues?

The seminar is designed to meet the senior seminar writing requirement. Therefore, students are expected to write a serious research paper that is at least 25 pages long, not including footnotes. The schedule and expectations related to the paper are as follows:

**February 12 – A topic proposal is due by the beginning of class.**

The proposal must consist of at least one paragraph describing the subject and tentative thesis that you are interested in exploring. (Both, of course, may evolve as you write the paper.) I strongly encourage you to talk to me while you are developing your proposal. All topics must be approved by me, and if we have discussed it ahead of time, the approval process will likely go more smoothly. Students who wish to use this seminar to meet the requirements for the Certificate in Labor and Employment Law must select a topic that relates to labor or employment law.

**March 7 – An outline is due by 3 pm.**

The outline should set out the basic structure of the paper and highlight the main subjects to be covered. At the end of the outline, you should set out any questions, research challenges, or other issues that you have yet to resolve. I do not expect that the outline will be a completely thought-through or researched description of the paper. Rather, I expect that it will set out your thinking about the argument you are planning to make in the paper and that it will incorporate the research and thinking that you have done so far.

**March 24 – First draft is due by 3 pm.**

The first draft is not a rough draft. Rather, it should be a serious draft that reflects thorough research, serious thought and careful writing.
March 25 – No class.
Instead of class this week, I will be meeting with students to discuss their drafts.

April 15, 22, and 29 – Student presentations and discussions of papers.
Students will be expected to turn in their current draft by the Friday before their scheduled presentation so that it can be circulated to the class.

May 2 – Final draft is due by 3 pm.
All submissions should be made by e-mail to me.

This schedule is designed so that all of your obligations for this class will be completed by the beginning of Read Period, and the first draft is due just after Spring Break. The paper is worth 65% of your grade in this class. The process, as set forth above, is designed to help you produce the best possible paper. While I will grade the paper based primarily on the final product, failure to take the process seriously may negatively affect your grade.

Your presentation is worth an additional 15% of your grade. I will expect that you distill the paper to a 15-20 minute presentation, that you be prepared to answer your fellow students’ questions, to defend your thesis, and to raise any questions or issues that you think the class might help you with. (Students presenting earlier in the semester may want to emphasize such questions and issues; students presenting at the end of the semester may choose not to.) Criteria for evaluating the presentation include (but are not necessarily limited to): clarity and content of the presentation and ability to handle questions about the project.

Class participation, aside from your presentation, is worth 20% of your grade. The class is a small group, and everyone’s participation is both expected and necessary to the class discussions. To facilitate this participation, I have two specific requirements.

First, each student must take two turns in preparing questions and issues for discussion. I will distribute a sign-up sheet and students can sign up for two weeks of class. For each of your weeks, you should prepare at least two questions for discussion raised by the readings. These should be submitted to me by 3 pm on the day before class. The questions can address ways the reading relates to your personal experiences and observations, weaknesses that you find in the author’s arguments or methodology, or ideas about the implications of the reading for public policy, employer policy, or family structure.

Second, attendance is required. Each student is allowed one “free” excused absence, which you can take for any reason and which you do not need to clear with me, although advance notice would be appreciated. However, if you then find that you need an additional absence for illness or other compelling reason, I will not excuse such an absence unless the first absence was for a similarly compelling reason. In other words, if you take your free absence to go to a Cubs game, I will not give you an additional excused absence if you get sick. Likewise, if you get sick and miss a class, that is your one excused absence; you do not get to bank your free absence for a future glorious spring day.

The criteria for evaluating your class participation include (but are not necessarily limited to): the
quality of your contributions to and your willingness to engage in class discussion, including the questions you submit for discussion, and your regular attendance. Participation is important during the period when we are covering the assigned reading, and it is equally if not more important when students are presenting their work.
READING ASSIGNMENTS

The reading is not intended to be overwhelming, but it may be difficult to complete if you wait until the very last minute. Most of the articles I have assigned are relatively short or, if they are not short, I have generally assigned only excerpts. You do not need to read footnotes and endnotes for class, although I encourage you to do so if something in the text interests you. Also, footnotes and endnotes are a very good resource for paper ideas and sources.

We will be reading portions of the following three books, all of which should be available in the bookstore. They are also available on-line. I was able to buy all three books from half.com for a total of about $30, including shipping.

- Joan Williams, *Unbending Gender: Why Family and Work Conflict and What To Do About It* (2001)

I will be providing all other readings by web links or citations that you can look up on Westlaw or LEXIS, by e-mail, or by distribution in class. This method of providing assigned reading is slightly unwieldy but it eliminates the need for you to pay for expensive copying licenses and copying charges. It is my intention to use this method for your convenience and to save you money, so if it turns out not to be worthwhile, please let me know.

Week #1

**Employment Discrimination Law and Work/Family Issues**

January 22


Week #2

**Accommodation, the Workplace, and the Law**

January 29


(Review major provisions)
Selected state laws, distributed by e-mail.


Joan C. Williams and Nancy Segal, *Beyond the Maternal Wall: Relief for Family Caregivers Who Are Discriminated Against on the Job*, 26 Harv. Women’s L. J. 77 (2003), Part II.C, pp. 146-48

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**Week #3**

**February 5**

A Broad View: Domesticity and the Ideal Worker

Joan Williams, *Unbending Gender*, pp. 1-100

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**Week #4**

**February 12**

Work/Family and Family Life I

Katharine K. Baker, *The Problem With Unpaid Work*, Work in Progress, distributed in class or by e-mail


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**Week #5**

**February 19**

Work/Family and Family Life II


Joan Williams, *Unbending Gender*, pp. 114-41


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**Week #6**

Work/Family and Class: Lawyers, Professionals, and Other Elites
February 26


Rhona Mahony, *Kidding Ourselves*, pp. 133-48


Week #7

Work/Family and Class: Working Class and Poor Families

March 4


Jason DeParle, *Better Work Than Welfare, But What If There’s Neither?* New York Times Magazine (December 18, 1994), distributed by e-mail

Noah Zatz, *What Is a Working Family* (excerpts; work in progress), distributed by e-mail

Nancy Folbre, *Eliminating Economic Penalties on Caregivers* (excerpt), in Heymann and Beem, pp. 360-67

Joan Williams, *Unbending Gender*, pp. 150-61


Week #8

Child Care, Housework, and Children

March 11

Caitlin Flanagan, *How Serfdom Saved the Women’s Movement*, The Atlantic
(March 2004), distributed in class


Jody Heymann, *Inequalities at Work and at Home: Social Class and Gender Divides*, in Heymann and Beem, pp. 89-121

Janet C. Gornick and Marcia K. Meyers, *Supporting a Dual Earner/Dual Career Society* (excerpt on child care costs), in Heymann and Beem, pp. 376-77


Rhona Mahony, *Kidding Ourselves*, pp. 191-93

Week #9  NO CLASS: MEETINGS ON PAPERS  March 25

Week #10  Taxes, Torts, and Other Legal Influences  April 1


Week #11  Solutions: Employer Initiatives, Legal Requirements, and Comparative Law  April 8


Sheila B. Kamerman, *Europe Advanced While the United States Lagged*, in Heymann and Beem, pp. 309-47

Nancy Folbre, *Eliminating Economic Penalties on Caregivers* (excerpts), in Heymann and Beem, pp. 348-60, 367-70


Rhona Mahony, *Kidding Ourselves*, pp. 209-14

Week #12   STUDENT PRESENTATIONS
April 15

Week #13   STUDENT PRESENTATIONS
April 22

Week #14   STUDENT PRESENTATIONS
April 29
POSSIBLE PAPER TOPICS:

Comparisons between different state laws and legal regimes governing work and family

Comparison of different countries’ approaches to work and family

Exploration of work-family issues in the developing world

Legal incentives or requirements for employers to accommodate work and family

Aspects of family law relating to work and family

Welfare and/or other public benefits and work/family issues

Discussion of work/family issues in non-traditional families, such as same-sex couples

Labor law and work/family issues

Child care and public policy

Immigration law, child care, and work/family issues

SOME NON-TRADITIONAL RESOURCES

http://www.worklifelaw.org/ – WorkLife Law, a Center of Hastings College of Law, initiated by Joan Williams

http://www.catalystwomen.org – Catalyst: Expanding opportunities for women and business

http://www.9to5.org/ – 9to5, National Association of Working Women

http://www.awlp.org/ – Alliance for Work-Life Progress

Many more links are available at http://www.worklifelaw.org/LinksOfInterest.html