

True to its initial vision thirty years ago, this ninth edition organizes the field of gender and law into five theoretical perspectives: formal equality, substantive equality, difference theory, nonsubordination, and autonomy. 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. An introduction provides students with an overview of each of the five theoretical models and then introduces three critical perspectives that complicate, challenge, and enrich these theories: the contested nature of the male-female binary and the issues that arise from classification by sex, gender, gender identity, and sexual orientation; intersectionality analysis; and masculinities theory. These adjacent theories are then explored throughout the book.

As the field of gender law has grown, it now touches virtually every area of law and policy. It is also a field that is in flux, as political and ideological battles play out in legislatures and courts across the country. The updates in this edition include coverage of the elimination of constitutional protection for abortion, the recognition of protection against sexual orientation and identity discrimination, bans on participation by transgender athletes, and numerous other developments. As with earlier editions, this edition provides comprehensive coverage of gender issues as they relate to work, education, intimate relationships, and sexual violence; it also draws out connections to less obvious contexts—insurance and public benefits law, for example, as well as legal ethics, contract law, property law, public health, and criminal justice reforms addressing mass incarceration.

This edition retains the integration of theory and practice for which the book is known. We have added dozens more problems, almost all 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 all

audiences 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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