

Preface	xxvii
Acknowledgments	xxix
Introduction	1
A. The Basic Theoretical Frameworks	1
1. Formal Equality	1
2. Substantive Equality	2
3. Nonsubordination	4
4. Difference	5
5. Autonomy	6
Putting Theory into Practice	7
B. Challenges and Complications to the Basic Theoretical Frameworks	7
1. Who Is a “Woman”? Deconstructing Sex, Gender, and Sexual Orientation	7
a. Framing the Sex/Gender/Sexuality Divide	8
Katherine M. Franke, The Central Mistake of Sex Discrimination Law: The Disaggregation of Sex from Gender	8
Mary Anne Case, Disaggregating Gender from Sex and Sexual Orientation: The Effeminate Man in the Law and Feminist Jurisprudence	10
Francisco Valdes, Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of “Sex,” “Gender,” and “Sexual Orientation” in Euro-American Law and Society	11
Dean Spade, Resisting Medicine, Re/Modeling Gender	12
b. Implications of the Sex/Gender/Sexuality Divide	13
Putting Theory into Practice	16
2. Which Women?	17
Kimberlé Crenshaw, Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics	19
Angela P. Harris, Race and Essentialism in Feminist Legal Theory	19
Putting Theory into Practice	21
	xi

3. What About Men?	21
a. Introducing Masculinities	22
Nancy E. Dowd, Asking the Man Question: Masculinities Analysis and Feminist Theory	22
Frank Rudy Cooper, “Who’s the Man?”: Masculinities Studies, Terry Stops, and Police Training	23
b. Relating Men and Masculinities to the Study of Women and Gender	24
Putting Theory into Practice	27
Chapter 1 Formal Equality	29
A. Historical Foundations for Women’s Claim to Formal Equality	31
1. The Historical Legacy: Women as Different and in Need of Protection	31
a. Economic and Social Legislation to Protect Women	31
<i>Muller v. Oregon</i>	31
<i>Goesart v. Cleary</i>	33
Putting Theory into Practice	35
b. Women’s Differences and the Practice of Law	35
<i>Bradwell v. Illinois</i>	36
2. The Case for Women’s Suffrage	38
Declaration of Sentiments, Seneca Falls Convention, Seneca Falls, New York (July 1848)	38
<i>United States v. Anthony (1873)</i>	40
Elizabeth Cady Stanton, Address to the Legislature of the State of New York (February 14, 1854)	41
Sojourner Truth, Reminiscences by Francis D. Gage, Akron Convention (May 28-29, 1851)	45
Nell Painter, Sojourner Truth: A Life, A Symbol	47
Notes	49
1. The Nineteenth Amendment	49
2. Suffrage and Abolitionism	49
3. The Birth and Rebirth of Modern Feminism	50
4. The Future Promise of the Nineteenth Amendment?	51
B. Formal Equality and the Constitutional Right to Equal Protection	52
1. The Right to Equal, Individualized Treatment	52
<i>Reed v. Reed</i>	52
<i>Frontiero v. Richardson</i>	53
<i>Orr v. Orr</i>	56
Putting Theory into Practice	58

2. The Right to Equal Group Treatment	59
<i>Stanton v. Stanton</i>	59
<i>Craig v. Boren</i>	61
Notes	65
1. “Simple Little Case”?	65
2. The Role of Stereotyping in Formal Equality Analysis	66
3. Sexual Orientation Discrimination and Transgender Discrimination as Forms of Gender Discrimination	66
4. Remedying Inequality in Formal Treatment	68
5. Who Is the Protected Victim?	69
6. Women in the Military	70
7. LGBT Inclusion in (and Exclusion from) the Military	72
8. The Equal Rights Amendment	73
Putting Theory into Practice	75
3. Indirect Discrimination	75
<i>Personnel Administrator of Massachusetts v. Feeney</i>	75
Note on Nondiscriminatory and Discriminatory Intent	78
Putting Theory into Practice	79
C. Formal Equality in Employment	80
1. The Equal Pay Act: Formal Equality Paradigm	80
<i>EEOC v. Madison Community Unit School District No. 12</i>	81
<i>Rizo v. Yovino</i>	84
Notes	90
1. The Wage Gap	90
2. The Formal Equality Paradigm	91
3. Factors “Other than Sex” Justifying Differences in Pay	93
4. Lilly Ledbetter and Pay Discrimination Claims Under Title VII	96
5. “Comparable Worth” or “Pay Equity”	98
6. Women and Contingent Work	100
Putting Theory into Practice	101
2. Title VII: Finding the Limits of Formal Equality	104
a. What Is Discrimination “Because of Sex”?	105
<i>Ezold v. Wolf, Block, Schorr & Solis-Cohen</i>	106
<i>Price Waterhouse v. Hopkins</i>	113
<i>Bostock v. Clayton County, Georgia</i>	117
Notes	125
1. Assessing the Facts in <i>Ezold</i>	125
2. Recognizing “Mixed-Motive” Discrimination	125
3. Sex Stereotyping	126

4. Discerning and Proving Discriminatory Intent	126
5. The Significance of Stray Remarks	129
6. Implicit Bias	130
7. Upper-Level Employees	131
8. Systemic Bias	131
9. Strategies for Countering Bias in the Workplace	134
10. Transgender and Sexual Orientation Bias as “Sex” Discrimination Under Title VII	137
11. Race, Sex, and Intersectional Bias Under Title VII	139
Devon W. Carbado & Mitu Gulati, <i>The Fifth Black Woman</i>	139
Putting Theory into Practice	146
Note on Discrimination in the Legal Profession	148
Putting Theory into Practice	152
b. What Is Discrimination? The Special Case of Appearance Regulation	155
<i>Jespersen v. Harrah’s Operating Company, Inc.</i>	155
D. Wendy Greene, <i>A Multidimensionality Analysis of What Not to Wear in the Workplace: Hijabs and Natural Hair</i>	163
Notes	164
1. The Importance of Appearance and Appearance Discrimination	164
2. Legal Standards	166
3. Weight	168
4. The Regulation of Hair	170
5. Veiling	171
6. Sex and Age	173
7. Laws Against Discrimination Based on Appearance	174
8. Feminism and Appearance	175
9. <i>Jespersen</i> and Its Aftermath	176
Putting Theory into Practice	177
c. When Is Sex a “Bona Fide Occupational Qualification”?	180
<i>Dothard v. Rawlinson</i>	180
<i>Wilson v. Southwest Airlines Co.</i>	186
Notes	191
1. Disparate Impact Doctrine and the Business Necessity Defense	191
2. BFOQ and Sexual Authenticity	191
3. BFOQ and Customer Preferences	192
4. BFOQ and Privacy Considerations	193
5. BFOQs and Formal Equality Analysis	194

Contents	xv
6. His Very Manhood?	196
7. The Ministerial Exception	196
Putting Theory into Practice	197
D. State Public Accommodations Laws and Associational Freedoms	199
<i>Board of Directors of Rotary International v. Rotary Club of Duarte</i>	200
<i>Foster v. Back Bay Spas</i>	203
Notes	207
1. First Amendment Challenges	207
2. The Scope of State and Local Public Accommodations Laws	208
3. Gender-Based Pricing	209
4. Public Breastfeeding	210
Note on Sexual Orientation and Public Accommodations Law	211
Putting Theory into Practice	215
Chapter 2 Substantive Equality	219
A. Remedying the Effects of Past Discrimination	220
1. Sex-Specific Public Benefits to Remedy Past Societal Discrimination	220
<i>Kahn v. Shevin</i>	220
Note on “Benign” Classifications Favoring Women	222
Putting Theory into Practice	224
2. “Affirmative Action” in Employment	224
<i>Johnson v. Transportation Agency</i>	225
Notes	232
1. Affirmative Action: Definitions and Background	232
2. The Diversity Rationale	237
3. Women’s “Choices”: Explanation or Symptom of Gender Inequality?	238
4. Affirmative Action and the “Merit” Principle	240
5. State-Mandated Affirmative Action for Women	241
Putting Theory into Practice	243
B. Eliminating the Disadvantages of Women’s Differences	244
1. Pregnancy	244
<i>Geduldig v. Aiello</i>	244
<i>California Federal Savings & Loan Association v. Guerra</i>	251
Herma Hill Kay, Equality and Difference: The Case of Pregnancy	254
Richard A. Posner, Conservative Feminism	255
<i>UAW v. Johnson Controls, Inc.</i>	257
<i>Troupe v. May Department Stores Co.</i>	262
<i>Young v. United Parcel Service, Inc.</i>	264

Notes	269
1. The Debate over “Equal” vs. “Special” Treatment	269
2. Beyond Pregnancy	270
3. Stereotypes vs. Facts	272
4. Pregnancy Bias?	273
5. Pregnancy as a Disability	275
6. Accommodation Under the Second Clause of the PDA	276
7. Disparate Impact Theory	277
8. <i>Johnson Controls</i> as a Reprise of the Protective Legislation Debate	279
9. Women Workers and “Choice”	279
10. Equality Analysis in <i>Johnson Controls</i>	280
Putting Theory into Practice	281
2. Caregiver Discrimination	283
<i>Back v. Hastings on Hudson Union Free School District</i>	285
<i>Ayanna v. Dechert, LLP</i>	289
Notes	292
1. Caregiver Discrimination Lawsuits	292
2. Accommodation vs. Discrimination	295
Putting Theory into Practice	295
C. Recognizing Sex-Linked Average Differences	297
1. Fringe Benefit Plans, Insurance, and Other Actuarially Based Systems	297
<i>City of Los Angeles, Department of Water & Power v. Manhart</i>	297
Notes	301
1. Group-Based vs. Individual-Based Equality	301
2. Efficiency vs. Nondiscrimination	302
3. Life Insurance	303
4. Health Insurance	304
5. Auto Insurance	305
6. Europe	305
Putting Theory into Practice	306
2. Sex-Segregated Education	307
<i>United States v. Virginia</i>	309
Notes	320
1. What’s at Stake Here?	320
2. Single-Sex Education at the Elementary and Secondary Level	323

3. Race and Single-Sex Schooling	328
4. LGBTQ+ Students	331
Putting Theory into Practice	331
3. Sex Differentiation Within Mixed-Gender Educational Settings	333
Joanna L. Grossman & Grant Hayden, <i>The Thin Pink Line: Policing Gender at Every Corner</i>	335
<i>Peltier v. Charter Day School, Inc.</i>	337
Note	346
Putting Theory into Practice	347
4. Athletics	349
a. School Sports	349
Doriane Lambelet Coleman, <i>Sex in Sport</i>	354
Doriane Lambelet Coleman, Michael J. Joyner & Donna Lopiano, <i>Re-Affirming the Value of the Sports Exception to Title IX's General Non-Discrimination Rule</i>	355
Erin Buzuvis, Sarah Litwin & Warren K. Zola, <i>Sport Is for Everyone: A Legal Roadmap for Transgender Participation in Sport</i>	355
Notes	357
1. Trans Panic or Protection of Women's Sports?	357
2. Sport as Education	360
3. Rethink Sex Separation?	360
<i>Cohen v. Brown University</i>	361
Notes	367
1. Title IX and Women's Participation in Sports	367
2. Title IX and Race	368
3. Title IX and Women's Interest in Sports	370
4. Affirmative Action or Nondiscrimination?	371
5. Gaming Compliance	372
6. Allocating Resources Under Title IX	373
7. Pregnant Student Athletes	375
8. Redefining Sport	375
9. Commercialization and Pay for Play	376
Putting Theory into Practice	377
b. Sports Outside of School Settings	379
Putting Theory into Practice	383
D. Substantive Equality in the Family	384
1. The Right to Marry for Same-Sex Couples	384
<i>Obergefell v. Hodges</i>	387

Notes	392
1. Theories of Equality	392
2. The Internal Debate on Same-Sex Marriage	392
3. Backlash to Same-Sex Marriage	393
4. Gender Identity, Marriage, and Documentation	394
Putting Theory into Practice	395
2. Marital Dissolution and Its Economic Consequences	395
a. The Traditional View	395
b. Modern Divorce	396
Joan Williams, <i>Do Wives Own Half? Winning for Wives After Wendt</i>	397
Notes	399
1. Property Distribution	399
2. Spousal Support	400
3. Educational Degree: Property, Support, or Neither?	401
4. Child Support	401
Putting Theory into Practice	407
3. Child Custody	409
<i>Patricia Ann S. v. James Daniel S.</i>	410
Notes	418
1. Primary Caretaker Presumption	418
2. Joint Custody	419
3. The “Approximation” or “Past Caretaking” Standard	420
4. LGBTQ+ Parents	421
5. Relocation	424
6. Fairness and Custody	425
Putting Theory into Practice	425
4. Unmarried Parents	427
Serena Mayeri, <i>Foundling Fathers: (Non-)Marriage and Parental Rights in the Age of Equality</i>	432
Putting Theory into Practice	433
Chapter 3 Nonsubordination	435
A. Women’s Rights and Power in the Liberal State	436
John Stuart Mill, <i>The Subjection of Women</i>	436
Catharine A. MacKinnon, <i>Feminism Unmodified: Discourses on Life and Law</i>	437

Nancy E. Dowd, Asking the Man Question: Masculinities Analysis and Feminist Theory	439
B. Sexual Harassment	440
1. Sexual Harassment in the Workplace	440
Catharine A. MacKinnon, The Sexual Harassment of Working Women	441
Kathryn Abrams, Gender Discrimination and the Transformation of Workplace Norms	442
Vicki Schultz, Reconceptualizing Sexual Harassment	443
Katherine M. Franke, What's Wrong with Sexual Harassment	443
<i>Meritor Savings Bank v. Vinson</i>	443
<i>Harris v. Forklift Systems, Inc.</i>	446
<i>Oncala v. Sundowner Offshore Servs., Inc.</i>	450
Notes	452
1. Distinguishing "Ordinary" Social Exchange from Sexual Harassment	452
2. Same-Sex Harassment and Sex-Stereotyping	454
3. When Is Sexual Conduct "Unwelcome"?	455
4. Sexual Harassment as Discrimination "Because of Sex"?	457
5. The Standard for Determining Hostile Work Environment	459
6. Race and Sexual Harassment	460
7. Sexual Harassment in the Legal Profession	463
8. Sexual Harassment as an Offense Against Dignity	464
9. Employer Liability	465
10. Harassment Prevention Policies: Do They Go Too Far?	468
11. Sexual Harassment and the #MeToo Movement	470
Putting Theory into Practice	475
2. Sexual Harassment in Educational Institutions	478
a. School Liability for Sexual Harassment	478
<i>Feminist Majority Foundation v. Hurley</i>	480
Notes	486
1. The Problem	486
2. Legal Issues Under <i>Gebser</i> and <i>Davis</i>	488
3. Administrative Versus Judicial Enforcement	489
b. Speech and Conduct Codes to Prevent Harassment	490
c. Faculty-Student Relationships	492
Putting Theory into Practice	494
C. Domestic Violence	495
1. Domestic and Intimate Partner Violence: The Problem and Legal Responses	495

Karla Fischer, Neil Vidmar & René Ellis, The Culture of Battering and the Role of Mediation in Domestic Violence Cases	500
Deborah Epstein & Lisa A. Goodman, Discounting Women: Doubting Domestic Violence Survivors' Credibility and Dismissing Their Experiences	502
<i>Stevenson v. Stevenson</i>	503
Aya Gruber, A "Neo-Feminist" Assessment of Rape and Domestic Violence Law Reform	508
Notes	510
1. The Violence Against Women Act and Other Federal Legislation	510
2. Reporting Laws	511
3. Victim Services	512
4. Stalking and Domestic Violence in the Workplace	513
5. Domestic Violence and Housing Discrimination	514
6. Domestic Violence and Child Custody	515
7. Prevention and Rehabilitation Services	516
8. Mandatory Arrest Policies	518
9. Mandatory No-Drop Policies	519
10. Domestic Violence and the Overincarceration Problem	520
11. Civil Damage Claims	522
12. Immigration and Asylum Law	525
Putting Theory into Practice	526
2. Domestic Violence and Substantive Criminal Law	528
<i>People v. Berry</i>	529
Donna K. Coker, Heat of Passion and Wife Killing: Men Who Batter/Men Who Kill	531
<i>State v. Norman</i>	533
Martha R. Mahoney, Legal Images of Battered Women: Redefining the Issue of Separation	538
Notes	539
1. "Heat of Passion" Law and Sex Equality	539
2. Battered Person Syndrome	540
3. The Reasonable Battered Woman?	541
4. Concerns About Battered Person Syndrome	542
5. Post-Conviction Remedies for Battered Persons Who Kill	543
Putting Theory into Practice	544
D. Pornography	546

Contents	xxi
1. The Feminist Critique of Pornography	547
Catharine A. MacKinnon, <i>Feminism Unmodified: Discourses on Life and Law</i>	547
Catharine A. MacKinnon, <i>Pornography as Defamation and Discrimination</i>	548
2. The Judicial, First Amendment Response	548
<i>American Booksellers Association, Inc. v. Hudnut</i>	548
Notes	552
1. Pornography and the First Amendment	552
2. Evaluating the Harm of Pornography	553
3. Sex-Positive Feminism and Feminist, Ethical, and Queer Pornography	555
4. Pornography, the Internet, and Children	557
5. Sexting	559
6. Nonconsensual Pornography: Revenge Porn	561
7. Misogyny Online and In-Person Violence	562
Putting Theory into Practice	565
Chapter 4 Difference	567
A. The Ethic of Care and Its Legal Implications	568
Robin West, <i>Relational Feminism and Law</i>	569
Leslie Bender, <i>A Lawyer's Primer on Feminist Theory and Tort</i>	570
Richard A. Posner, <i>Conservative Feminism</i>	572
Notes	572
1. Mainstreaming the Ethic of Care in the Law	572
2. Carol Gilligan 2.0	573
3. Women and Leadership	574
4. The Sociobiological Explanation	575
5. Feminist Critiques of an Ethic of Care	577
Putting Theory into Practice	579
B. Work and Family	581
Anne-Marie Slaughter, <i>The Failure of the Phrase "Work-Life" Balance</i>	581
Dorothy Roberts, <i>Spiritual and Menial Housework</i>	582
Darren Rosenblum, <i>Unsex Mothering: Toward a New Culture of Parenting</i>	584
Maxine Eichner, <i>The Free-Market Family: How the Market Crushed the American Dream (and How It Can Be Restored)</i>	584

Martha Albertson Fineman, The Vulnerable Subject and the Responsive State	585
Vicki Shultz, Life's Work	586
Naomi R. Cahn & Linda C. McClain, Gendered Complications of COVID-19: Towards a Feminist Recovery Plan	588
Notes	590
1. Substantive Equality vs. Difference Theory as a Basis for Legal Reform	590
2. Women's Disproportionate Caretaking Burdens	591
3. Women's "Opting Out"	593
4. Parental Leave Laws	594
5. Parenting Leave: An International Perspective	596
6. Child Care	598
7. Is Caretaking a Public Good?	600
8. Dependent Care and the Market in Domestic Workers	602
Putting Theory into Practice	603
C. Gender and the Legal System	605
1. Women in Legal Education and the Legal Profession	605
Andrea Kupfer Schneider, What's Sex Got to Do With It? Questioning Research on Gender & Negotiation	611
Putting Theory into Practice	612
2. Women Judges	614
Jerry Kang et al., Implicit Bias in the Courtroom	619
Putting Theory into Practice	621
3. Juries and Gender	622
<i>J.E.B. v. Alabama ex rel. T.B.</i>	622
Note on Equality and Impartiality in the Jury Context	629
Putting Theory into Practice	630
4. Women as Criminal Defendants	631
Janet E. Ainsworth, In a Different Register: The Pragmatics of Powerlessness in Police Interrogation	631
Putting Theory into Practice	637
Chapter 5 Autonomy	641
A. Sex and Consent	641
1. "Statutory" Rape: The (Ir)relevance of Consent	641
<i>Michael M. v. Superior Court of Sonoma County</i>	642
Notes	647
1. Consent and Statutory Rape	647

2. Statutory Rape Laws	648
3. Gender Neutrality and Differential Treatment of Offenders and Victims	649
4. The Political Valence of Underage Sex	651
5. Child Marriage	652
Putting Theory into Practice	653
2. Rape and the Criminal Law	654
Deborah Tuerkheimer, Incredible Women: Sexual Violence and the Credibility Discount	656
<i>State v. Jones</i>	658
Steven Schulhofer, Reforming the Law of Rape	665
Notes	666
1. Rape Law Reform	666
2. Consent	668
3. Cultural Attitudes, “Rape Myths,” and Law Enforcement Responses	668
4. Rape and Scientific Evidence	670
5. Rape Shield Laws, Character Evidence, and Defendant’s Rights	671
6. Rape and Race	674
7. The Rape Crisis Counselor Privilege	677
8. Marital Rape	677
9. Rape of Men	678
10. Rape and Penalties	680
11. Rape and the Military	681
12. Rape and War	682
Putting Theory into Practice	684
3. Campus Rape and Title IX	685
<i>Doe v. Union College</i>	686
Notes	690
1. The Extent of the Problem	690
2. The Law in the Courts	691
3. Federal Administrative Enforcement	692
4. Affirmative Consent	695
5. The Rights of Students Accused of Sexual Assault	697
6. Athletes and Sexual Assault	698
7. Substance Abuse	700
8. Restorative Justice Approaches	701
9. Prevention Strategies	701

Putting Theory into Practice	702
4. Religious Practices and Sexual Autonomy	704
<i>In re Kasinga</i>	704
L. Amede Obiora, Bridges and Barricades: Rethinking Polemics and Intransigence in the Campaign Against Female Circumcision	705
Notes	707
1. Women's Autonomy, or Cultural Imperialism?	707
2. The Legal Regulation of FGS/C	707
Putting Theory into Practice	709
5. Sex Work and Human Trafficking	710
Dorchen Leidholdt, Prostitution: A Violation of Women's Human Rights	713
Is Sex Work Decriminalization the Answer? What the Research Tells Us	713
Notes	715
1. Sex Work and Its Relationship to Sex, Race, Class, Gender Identity, and Immigrant Status	715
2. The Autonomy of Sex Workers	717
3. Reforming the Law Relating to Sex Work	720
4. Human Trafficking	723
5. Technology, Sex Work, and Sex Trafficking	728
6. Juvenile Sex Work	730
Putting Theory into Practice	731
B. Pregnancy and Autonomy	733
1. Control of Conception and Other Aspects of Women's Health	733
<i>Griswold v. Connecticut</i>	734
<i>Burwell v. Hobby Lobby Stores, Inc.</i>	735
Notes	749
1. The Constitutional Right to Contraception	749
2. Access to Contraception	750
3. Religion and Women's Reproductive Autonomy	752
4. Men and Contraception	754
5. Emergency Contraception and Conscience Laws	755
6. Beyond the Right to Contraception: The Reproductive Justice Movement	757
7. Access to Treatment for Infertility	758
8. Gender Bias in Health Care	759
9. Sterilization	761

10. Menstrual Equity	762
Putting Theory into Practice	764
2. Abortion	765
<i>Roe v. Wade</i>	765
<i>Planned Parenthood of Southeastern Pennsylvania v. Casey</i>	768
Reva Siegel, Reasoning from the Body: A Historical Perspective on Abortion Regulation and Questions of Equal Protection	774
Robin West, The Supreme Court 1989 Term, Foreword: Taking Freedom Seriously	775
Loretta J. Ross & Rickie Solinger, Reproductive Justice: An Introduction	777
Rachel Rebouché, Reproducing Rights: The Intersection of Reproductive Justice and Human Rights	777
<i>Dobbs v. Jackson Women’s Health Organization</i>	779
Notes	800
1. Articulating the Right to Abortion	800
2. Abortion Bans After <i>Dobbs</i>	803
3. <i>Stare Decisis</i> , Reliance, and Autonomy	804
4. Public Opinion on Abortion	805
5. Fetal Personhood?	806
6. Informed Consent for Abortion After <i>Dobbs</i>	806
7. Spousal Notice and Consent Provisions	807
8. Parental Consent and Notification Requirements	807
9. Abortion “Regret”	808
10. Funding and Reproductive Rights	811
11. Sex Education and Teen Pregnancy	812
12. Abortion Laws and the First Amendment	813
13. Self-Induced Abortions and Abortion Rates	816
14. Who Should Decide?	817
15. Anti-Abortion Activism	818
Putting Theory into Practice	820
3. Pregnancy and Contractual Autonomy	821
<i>In re Baby M</i>	822
Notes	829
1. Gestational Surrogacy	829
2. The Prevalence and Regulation of Surrogacy	830
3. Decisional Autonomy and Regret	834
4. Critical Takes on Surrogacy	835

5	Reproductive Choices in the Surrogacy Context	838
6	Frozen “Pre-embryos”: Balancing Wanted and Unwanted Parenthood	839
	Putting Theory into Practice	842
4.	The Pregnant Woman and Fetus as Adversaries	844
	<i>Ferguson v. City of Charleston</i>	844
	Notes	848
	1. Drug Testing of Welfare Recipients	848
	2. Criminal Prosecutions of Drug-Using Pregnant Women	849
	3. Criminalization of Pregnancy?	852
	4. Civil Alternatives to Criminal Prosecution	854
	5. Alternative, Non-Punitive Approaches	854
	6. Abortion Bans and Pregnancy Loss	856
	Putting Theory into Practice	857
C.	Women and Poverty	859
1.	Welfare and Welfare Reform	860
	Sara Sternberg Greene, The Bootstrap Trap	861
	Notes	862
	1. The Impact of Welfare Reform	862
	2. Welfare Reform and the Promotion of Marriage	864
2.	Gender and Evictions	866
3.	Ideologies of Poverty	868
	Barbara Ehrenreich, Time to Wake Up: Stop Blaming Poverty on the Poor	869
	Ann Cammett, Deadbeat Dads & Welfare Queens: How Metaphor Shapes Poverty Law	869
	Camille Gear Rich, Reclaiming the Welfare Queen: Feminist and Critical Race Theory Alternatives to Existing Anti- Poverty Discourse	870
	Notes	871
	1. The Work/Welfare Debate	871
	2. Income Inequality	874
	Putting Theory into Practice	876
	Table of Cases	879
	Index	887