



Preface

True to its initial vision over 15 years ago, this fifth edition organizes the field of gender and law into six theoretical perspectives, each of which sheds different light on the myriad legal and policy issues that implicate sex and gender. Five of the perspectives—formal equality, substantive equality, difference theory, nonsubordination, and autonomy—track prior editions of the book, with significant updates and modifications. We have substituted a chapter on identity, including what we mean by woman, man, sex, gender, and feminism, for the previous chapter on nonessentialism.

As before, these theoretical perspectives are not mutually exclusive, nor are they “total” theories that are each intended to answer every doctrinal and policy question. Rather, they represent major lenses for viewing the relationship between law and gender. 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.

As the field of gender law has grown, it now touches virtually every area of law and policy. While the majority of materials in this edition continues to focus on work, intimate relationships and family, education, and sexual violence, the materials also draw on a broader range of issues where gender matters—e.g., insurance, legal ethics, property, human rights, and military policy, to name a few. This edition reflects the increasing international dimensions of gender law and policy, as well as shifting expectations and norms with respect to work and family, marriage, public welfare, and reproductive rights.

This edition retains the integration of theory and practice for which the book is known. In addition to balancing cases with legal commentary, we have doubled the number of problems that bridge theory and practice. Also, to make the book more readable, we have moved citations and references to supporting material to endnotes. 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 welcome your feedback. This book, like gender law more generally, is a continual work in progress. We'd love to have your thoughts on making it even better.

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