

DePaul University College of Law

Spring 2009
Wednesday: 3:00 – 4:00
Room 631

Professor Donald H.J. Hermann
Phone: 312-362-8383

SEMINAR: SAME SEX MARRIAGE

Course Description

This course will examine one of the most controversial subjects in American society: same sex marriage. The social, ethical, and religious dimensions of this subject will be explored through readings of some of the most significant monographs on the subject. Litigation and legislative activity dealing with civil unions and same-sex marriage will be examined in detail. Students will research and write a paper dealing with legal dimensions of the subject and will deliver to the seminar a summary report on their research and writings.

Course Materials:

E. J. Graff, What is Marriage For? BEACON PRESS (2004).
Evan Wolfson, Why Marriage Matters, SIMON & SCHUSTER (2004).
Jonathan Rauch, Gay Marriage, HENRY HOLT (2004)
Michael Mello, Legalizing Gay Marriage, TEMPLE UNIV. PRESS (2004)
Daniel Pinello, America's Struggle for Same-Sex Marriage, CAMBRIDGE UNIV. PRESS (2006).
Andrew Koppelman, Same Sex – Different States, YALE UNIV. PRESS (2006).

METHODOLOGY

The first part of the seminar will involve reading and discussion of monographs dealing with same-sex marriage and civil unions. The second part of the seminar will involve research and writing of a paper dealing with a specific topic related to same-sex marriage and civil unions. The second part of the seminar will involve research and writing of a paper dealing with a specific topic related to same sex marriages or civil unions. Each student will make a brief class presentation based on the research which will be the basis of the seminar paper.

EVALUATION

The grade in this course will be based on participation in class discussion, the presentation to the seminar and a research paper.

SEMINAR SCHEDULE

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|---------|---------------|---|
| Week 1 | Jan. 14, 2009 | Introduction and Film, "I Can't Marry You" |
| Week 2 | Jan. 21, 2009 | E. J. Graff, <u>What Is Marriage For?</u> |
| Week 3 | Jan. 28, 2009 | Evan Wolfson, <u>Why Marriage Matters</u> |
| Week 4 | Feb. 4, 2009 | Jonathan Rauch, <u>Gay Marriage</u> |
| Week 5 | Feb. 11, 2009 | Michael Mello, <u>Legalizing Gay Marriage</u> |
| Week 6 | Feb. 18, 2009 | Daniel Pinello, <u>America's Struggle for Same-Sex Marriage</u> |
| Week 7 | Feb. 25, 2009 | Andrew Koppelman, <u>Same Sex – Different States</u> |
| Week 8 | Mar. 4, 2009 | No Class: Writing Assignment |
| Week 9 | Mar. 11, 2009 | No Class: Writing Assignment |
| Week 10 | Mar. 18, 2009 | SPRING BREAK |
| Week 11 | Mar. 25, 2009 | Paper Presentations – Group 1 |
| Week 12 | Apr. 1, 2009 | Paper Presentations – Group 1 & 2 |
| Week 13 | Apr. 8, 2009 | Paper Presentations – Group 2 & 3 |
| Week 14 | Apr. 15, 2009 | Paper Presentations – Group 3 & 4 |

**Submit final paper (typed and double spaced)
May 6, 2009
Noon (C.S.T.)**

Paper should be placed in the take-home final box in an envelope. Do not e-mail your paper.

SCHEDULE OF RESEARCH AND WRITING ASSIGNMENTS

[All Assignments Must Be Typed]

- Week 2 Discussion of papers & direction on topic choice for week 3.
- Week 3 Submit a typewritten statement of the paper topic.
- Week 4 Assignment to Topic Area – Panel Presentations. Obtain approval of typewritten statement of topic.
- Week 5 Submit typed bibliography of books, law review articles, medical journal articles, cases, statute, and newspaper/magazine articles on topic.
- Week 6 Submit initial outline and obtain approval of outline.
- Weeks 8 – 9 Preparation of paper for presentation – no class.
- Weeks 11-14 Presentation of papers according to the schedule developed in class. Presentations should last no longer than fifteen minutes. Presentations should involve an overview of your paper including a statement of your thesis, main arguments considered, and a statement of your conclusion or policy recommendation.
- Week 17 Final Paper Due (Paper length should be 25 to 30 pages.) (Documentation should be in Blue Book form as footnotes or endnotes). **[Due May 6, 2009 at noon CST]**

Possible Paper Topics:

California Litigation and Constitutional Amendment
Massachusetts Litigation and Reaction
New Hampshire Litigation and Reaction
Civil Union Opinions and Legislation
Defense of Marriage Act: Constitutionality
Defense of Marriage Act: Conflicts of Law
Hawaii: Opinions and Response
New Jersey Litigation and Legislation
Vermont Litigation and Legislation
Washington Litigation
New York Litigation
Same-Sex Marriage in California
Europe and Same-Sex Marriage
Taxation Issues and Same-Sex Couples
Medical Issues and Same-Sex Couples
Achieving Benefits of Marriage Through Available Legal Means
Conflicts of Law and Same Sex Marriage