MALS 70400 Interdisciplinary Topics in Law: Mothers in Law
Sara McDougall and Julie Suk

This course will introduce students to central issues in the history and sociology of law, through the study of motherhood. The lens of motherhood will open up broader themes in the study of law and society, including categories such as gender, constitutionalism, and criminal justice. Studying the socio-legal history of motherhood will enable students to learn the skills of legal reasoning, utilize methods of legal-historical research, and pursue experiential learning through field studies, panel discussions open to the public, and the authoring of publicly available teaching materials on select topics.

First, we will explore how ideas of women as mothers have been enshrined in law, from the legal definition of the mother in civil law, to the legal treatment of pregnancy.

Second, this course will study women as lawmakers, as "founding mothers" of twentieth-century constitutions, and laws more generally. We will explore biographies of women lawyers and lawmakers.

Third, we will consider mothers as law-breakers, by engaging the history of mothers in prison, and the current legal issues arising from incarceration of mothers.

**Unit One: What is a Mother, in Law?**
A Premodern Legal History of Pregnancy and Maternity
The Separate Spheres Tradition: Motherhood, Equality, and Citizenship
Should Motherhood Be Protected?
Choosing Motherhood Roe v. Wade (and current cases)
Public Panel on Motherhood and the MeToo Moment

**Unit Two: “Founding Mothers:” The Mother as Lawmaker, the Lawmaker as Mother**
Presentation by Women Writing Women’s Lives
Jill Norgren, Biographical writing about motherhood and women as lawmakers
NYPL/Florence Kelley archive
American women in constitution-making: Biographical writing assignment
Women lawyers and the history of prison reform, Bedford Hills
Women in Constitution-Making in Postwar Europe
Unit III: Mothers as Law-Breakers
mothers as criminals and prisoners in premodern Europe
incarceration of mothers in modern South Africa and the US
prison nurseries