

Employment Discrimination
Harvard Law School: 35330A-1
Spring 2008
Elizabeth Bartholet
Location: P204
Meeting Time: T,W 10:25 AM - 11:55 AM

Professor Elizabeth Bartholet
3 classroom credits LAW-35330A Spring

This course addresses developments in civil rights law in the important context of the workplace. We will look at the growing body of law designed to protect against discrimination based on race, gender, age, or disability. We will examine the ongoing debate in the Supreme Court, Congress, and the nation as to the appropriate meaning of the anti-discrimination norm, a debate that involves questions as to intent as compared to impact theories, individual as compared to group theories, affirmative action, and mandatory arbitration. At issue in this debate is the future of much of the law governing discrimination developed in the 1960s - 70s.

We will compare race discrimination to problems involving gender, age and disability, and also touch on national origin and religious discrimination. We will consider work/family conflict, sexual harassment, reasonable accommodation doctrine, and other issues of current controversy and significance. Throughout, we will assess and compare discrimination theories developed in different ages and eras.

There will be a take-home examination.