

## LEGAL RIGHTS OF WOMEN

### C O N T E N T S

A. Chapter Competencies	C. Assignment 12.8(a) ( <i>Warren v. State</i> )
B. Assignment 12.7 (violence)	D. Ethics in Practice

### A. Chapter Competencies

After studying chapter 12 the student should be able to:

1. state some of the major disabilities to which married women have been subjected by the law in the past.
2. state the effect of the Married Women's Property Acts.
3. state some of the legal problems that can arise when spouses enter into contracts or conveyances with each other.
4. state the right of dower and the right of election that the law gives a wife upon the death of her husband.
5. state a woman's rights with respect to her name.
6. state the extent of a woman's right not to be subjected to sex discrimination when applying for credit.
7. state when discrimination against women in employment is legal.
8. define sexual harassment and an employer's obligation to prevent it.
9. state how a woman can enforce her right not to be subjected to sex discrimination in employment.
10. state the right of individuals to contraceptives.
11. state when sterilization is legal.
12. state when an abortion was legal under *Roe v. Wade*.
13. define viability.
14. state the effect of the *Casey* decision on *Roe v. Wade*.
15. state the history of wife-beating.
16. state the elements of the self-defense plea.
17. state the function of a restraining order or protective order.
18. state how defense attorneys try to use the battered wife syndrome in a criminal trial and the extent to which they have been successful.
19. state when a spouse can be prosecuted for marital rape.
20. interview a domestic violence victim with sensitivity.

### B. Assignment 12.7 (violence)

- a. It would be interesting to know whether male and female students in your class have different opinions on this question. You might want to conduct an informal poll to find out.
- b. Here is a relevant recent news story on this question:

Given that Moosa Hanoukai was sane and he admitted bludgeoning his unarmed wife of 25 years to death with a wrench one evening, his defense options seemed limited. But Mr. Hanoukai's attorney, sole practitioner James E. Blatt of Encino, Calif., tried something daring and possibly unique: a battered husband defense. He argued his client

**68** Chapter Twelve

had been trapped in a dysfunctional marriage and “snapped” only after years of psychological abuse that included his wife’s forcing him to sleep on the floor. It worked. . . . [T]he Hanoukai jury rejected a murder conviction in favor of manslaughter.

Gail Cox, *Abuse Excuse*, 16 National Law Journal, 1 (5/9/94).

Also, Here are some statistics that may be relevant. In Concord, New Hampshire, almost 35 percent of domestic assault arrests have been of women. In Boulder, Colorado, 25 percent of defendants charged in domestic violence cases were women.

Carey Goldberg, *Crackdown on Abusive Spouses, Surprisingly, Nets Many Women*, New York Times (November 23, 1999) at A1.

**C. Assignment 12.8(a) (Warren v. State)**

- a. If the Georgia statute read, “A person commits the offense of rape when he has *unlawful* carnal knowledge of a female forcibly and against her will,” the implication is that there can be a *lawful* carnal knowledge of a female forcibly and against her will, indicating an acceptance of the common law rule excluding spouses from being charged with marital rape.

**D. Ethics in Practice**

The paralegal has a bias. It would be a conflict of interest for the paralegal to continue working on Summer’s case. The paralegal may claim to be dispassionate, but Richard Summer may not appreciate having a rape victim help defend him against a rape charge. Summer should be asked if he consents to the paralegal’s continued involvement in his case.