

WOMEN AND THE LAW

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Scripture References:

Moses 3 & 4
Abraham 5
Genesis 2
Moses 5:10-11
BD Eve
Alma 56:47-48
Esther 2, 4, 5:1-8, 7, 8:1-8
Ruth 1:11-17

Selected Reading Material:

Campell, Beverly. "Eve and the Choice Made in Eden." Chapters 2-4,7
Sheri L. Dew, "Are We Not All Mothers?" *Ensign*, Nov. 2001, 96
Russell M. Nelson, "Lessons from Eve," *Ensign*, Nov. 1987, 86
Gordon B. Hinckley "The Family: A Proclamation to the World," *Ensign*, Nov. 1995, 102
Hugh W. Nibley, "Patriarchy and Matriarchy," *Old Testament and Related Studies*, vol. 1, 1987

Notes and Commentary:

Introduction: Eve as the First Woman

1. Creation of Woman

- What does the creation of Eve teach about the divine roles of the sexes?
- What does the term "helpmeet" teach about men? What does it teach about women? How does the Hebrew definition add meaning?

Reading Excerpts

Oxford English Dictionary, 1993
Helpmeet definition - "even with or equal to"

Freedman, R. David. "Woman: A Power Equal to Man." *Biblical Archeological Review* 9, 56 January-February 1983.

"In the garden story from Genesis, the Hebrew word translated into English as 'help' is *ezer*. This word is a combination of two roots, one meaning 'to rescue,' 'to save,' and the other meaning 'to be strong.' The

other word in the Genesis 2:18 used to describe Eve is *k'enegdo*, which is used once and means 'equal.'"

"When God creates Eve..., His intent is that she will be—unlike the animals—a power (or strength) equal to him."

Rodney Turner, *Woman and the Priesthood* 39, 1973

"In the divine order, woman is given to man, not man to woman. Eve was brought to Adam to be his helpmate, he was not brought to her. Paul noted, 'For the man is not of the woman; but the woman of the man. Neither was the man created for the woman; but the woman for the man.' (1 Cor. 11:8,9) At first glance, it might appear that woman is inferior to man, that she exists only for his benefit. This is incorrect. Man and woman are equal before the Lord. However, they make for very real differences between the sexes. God respects these differences; his reactions to them are not arbitrary. The respective callings of men and women simply reflect the unique qualifications and temperaments of each. . . [T]heir happiness depends upon their acceptance and magnification of these intrinsic natural factors. The highest expression of godhood is achieved through a perfect blending of the attributes of man and woman."

Russell M. Nelson, "Lesson from Eve," *Ensign*, Nov. 1987, 86

"From the rib of Adam, Eve was formed (see Gen. 2:22; Moses 3:22; Abr. 5:16). Interesting to me is the fact that animals fashioned by our Creator, such as dogs and cats, have thirteen pairs of ribs, but the human being has one less with only twelve. I presume another bone could have been used, but the rib, coming as it does from the side, seems to denote partnership. The rib signifies neither dominion nor subservience, but a lateral relationship as partners, to work and to live, side by side."

Improvement Era 161, Mar. 1942

"The place of woman in the Church is to walk beside the man, not in front of him nor behind him. In the Church there is full equality between man and woman. The gospel, which is the only concern of the Church, was devised by the Lord for men and women alike."

2. Gifts Unique to Eve and Her Daughters

- How does Eve's reaction to the "beguilement" of Satan demonstrate her unique gifts, talents and limitations?
- How are these gifts, talents and limitations reflected by the daughters of Eve,

particularly Esther and Ruth when faced with similarly difficult decisions?

Reading Excerpts

Campell, Beverly. "Eve and the Choice Made in Eden," 71, quoting conversation with biblical scholar Aschkenasy, Nehama.

"[Dr. Aschkenasy] explained that the Hebrew word which has come to be translated as beguiled is a rare verb form of unusual depth and richness. Because it is a form no longer in use, it is almost impossible to translate. 'It is safe to say that it indicates an intense multilevel experience which evokes great emotional, psychological, and/or spiritual trauma.'"

Hugh W. Nibley, "Patriarchy and Matriarchy," *Old Testament and Related Studies*, vol. 1, 1987

"[Satan's] first step [in the garden] was to get one of them to make an important decision without consulting the other. He approached Adam in the absence of Eve with a proposition to make him wise, and being turned down he sought out the woman to find her alone and thus undermine her resistance more easily."

Russel M. Nelson, "Constancy Amid Change" *Ensign*, Nov. 1993, 33

"[P]artaking of [the] fruit was prerequisite to [Adam and Eve's] parenthood. . . . We and all mankind are forever blessed because of Eve's courage and wisdom. By partaking of the fruit first, she did what needed to be done. Adam was wise enough to do likewise."

Richard G. Scott, "The Joy of Living the Great Plan of Happiness," *Ensign*, Nov. 1996, 73

"After they had partaken of the fruit, the Lord spoke with them. Their comments reveal some different characteristics of a man and woman. To Adam He said, 'Hast thou eaten of the tree whereof I commanded thee that thou shouldst not eat?' Now, Adam's response was characteristic of a man who wants to be perceived as being as close to right as possible. Adam responded, 'The woman thou gavest me, and commandest that she should remain with me, she gave me of the fruit of the tree and I did eat.' And the Lord said unto Eve, 'What is this thing which thou hast done?' Eve's response was characteristic of a woman. Her answer was very simple and straightforward: 'The serpent beguiled me, and I did eat.'"

James E. Faust, "Womanhood: The Highest Place of Honor," *Ensign*, May 2000, 95

"Surely the secret citadel of women's inner strength is their spirituality. In this they equal and even surpass

men, as they do in faith, morality, and commitment when truly converted to the gospel. They have 'more trust in the Lord [and] more hope in his word.' This inner spiritual sense seems to give them a certain resilience to cope with sorrow, trouble and uncertainty."

Brigham Young, *Journal of Discourses* 14:120

"The women are a great deal more inclined to believe the truth than the men; they comprehend it more quickly."

Jerrie W. Hurd, *Our Sisters in the Bible* 91, 1983

"Esther, at ease amid oriental splendor, found herself suddenly jarred into a new reality. She could choose her course of action; Mordecai pointed that out to her. But if she chose not to be God's instrument for the deliverance of his people, it would mean her own failure, not God's."

"The humility in Esther's courage is most moving. She seized her opportunity, employing her intelligence and her honed political skills to cause events far-reaching and bloody. But she never sought to wield such power; rather, faced with the responsibility, she fasted and prayed."

3. Mother of All Living

- How does Eve's title as "The Mother of All Living" become the title of all women, regardless of their motherhood?
- How does women's response to the divine call of motherhood serve to build the kingdom of God? How might the mothers of the stripling sons serve as an example?
- Why is one of Satan's most powerful tools to debase the power and honor of motherhood? How might women in Zion guard against this onslaught?

Reading Excerpts

"The Family: A Proclamation to the World," *Ensign*, Nov. 1995, 102

"The first commandment that God gave to Adam and Eve pertained to their potential for parenthood as husband and wife. We declare that God's commandment for His children to multiply and replenish the earth remains in force."

"Husband and wife have a solemn responsibility to love and care for each other and for their children. 'Children are an heritage of the Lord' (Psalms 127:3). Parents have a sacred duty to rear their children in love and righteousness, to provide for their physical

and spiritual needs, to teach them to love and serve one another, to observe the commandments of God and to be law-abiding citizens wherever they live. Husbands and wives—mothers and fathers—will be held accountable before God for the discharge of these obligations.

“The family is ordained of God. Marriage between man and woman is essential to His eternal plan. Children are entitled to birth within the bonds of matrimony, and to be reared by a father and a mother who honor marital vows with complete fidelity. Happiness in family life is most likely to be achieved when founded upon the teachings of the Lord Jesus Christ. Successful marriages and families are established and maintained on principles of faith, prayer, repentance, forgiveness, respect, love, compassion, work, and wholesome recreational activities. By divine design, fathers are to preside over their families in love and righteousness and are responsible to provide the necessities of life and protection for their families. Mothers are primarily responsible for the nurture of their children. In these sacred responsibilities, fathers and mothers are obligated to help one another as equal partners. Disability, death, or other circumstances may necessitate individual adaptation. Extended families should lend support when needed.”

Sheri L. Dew, “Are We Not All Mothers?” *Ensign*, Nov. 2001, 96

“When we understand the magnitude of motherhood, it becomes clear why prophets have been so protective of woman’s most sacred role. While we tend to equate motherhood solely with maternity, in the Lord’s language, the word *mother* has layers of meaning. Of all the words they could have chosen to define her role and her essence, both God the Father and Adam called Eve “the mother of all living” (Moses 4:26) and they did so *before* she ever bore a child. Like Eve, our motherhood began before we were born. Just as worthy men were foreordained to hold the priesthood in mortality (Alma 13:2-4, 7-8), righteous women were endowed premortally with the privilege of motherhood. Motherhood is more than bearing children, though it is certainly that. It is the essence of who we are as women. It defines our very identity, our divine stature and nature, and the unique traits our Father gave us.”

James E. Faust, “Be Healers,” presented to the J. Reuben Clark Law Society satellite fireside February 12, 2003

“All professionals, including lawyers, need to find a balance between the demands as servants of God, as parents, and as advocates and lawyers. As a wise person once said, ‘The things that matter most cannot be left to the mercy of the things that matter the least.’ To think the Savior Himself established the priorities well in the book of Matthew (Joseph Smith Translation) 6:38, when he said, ‘Wherefore, seek not

the things of this world but seek ye first to build up the kingdom of God, and to establish his righteousness; and all these things shall be added unto you.’”

Lesson 1: Responding to the Call of Law

Scriptural References:

Thirteenth Article of Faith
D&C 93:36
D&C 130:18
Proverbs 31:10-28
Proclamation on the Family

Selected Reading Material:

Sandra Day O’Connor, *The Majesty of the Law*, Part Four, 2003
Phyllis Schlafly, *Feminist Fantasies*, 2003
Ann Crittenden, *The Price of Motherhood* 1-39, 2003
Vivia Chen, *Cracks in the Ceiling*, *The American Lawyer*, June 3, 2003

Section A: Historical Progress and Plateau of Women in the Law

- *What progress have women made in the legal profession? Why has that plateaued?*
- *Is the dearth of women in top legal positions a problem? What benefits could there be to the profession and firms in remedying the situation?*

Reading Excerpts

Deborah Rhode, *ABA Midcourse Corrections: Women in Legal Education*, July 1, 2003, at 1

“In the sunny side of [history], the numbers speak for themselves. Until the 1970’s, women accounted for no more than three percent of students, and women faculty were noticeable for their absence. Only three schools had ever had female deans, and few had more than one or two women professors In the space of three decades, the academic landscape has been transformed . . . [more than] half of entering law school classes are women.”

Sandra Day O’Connor, *The Majesty of the Law* 197 (2003)

"[W]omen have not acquired power in anywhere near the numbers men have. To take an example close to home: while women now make up almost 30 percent of the legal profession, they account for only 20 percent of federal judges and law-firm partners, 10 percent of law-school deans and corporate general counsel, and 5 percent of managing partners at large firms."

Ann Crittenden, The Price of Motherhood 29, 2003

"The unwritten requirement for success in corporate America is to be a corporate man Young women today are urged to finish school, find a job, acquire skills, develop seniority, get tenure, make partner, work endless hours, and put children off until the very last minute. When and if they do give birth, they are expected to treat the event like an appendectomy, take a brief time-out for recuperation, and then resume the truly important business of business."

Sandra Day O'Connor, The Majesty of the Law 165-166, 2003

"There is a fine, often perilous line between crafting responses to genuine [gender] differences and coddling and sustaining pernicious stereotypes. If society does not recognize the fact that only women can bear children, then 'equal treatment' ends up being unequal."

Phyllis Schlafly, Feminist Fantasies 4, 2003

"In 1982 . . . Feminists in their thirties began to admit candidly that they have "baby hunger." That's the emotional trauma that comes over today's liberated woman when she turns age thirty and realizes that the clock is ticking and her years of possible motherhood are slipping away The Wall Street Journal ran a series of news stories about the disruption in corporations and law firms caused by the wave of pregnancies at the managerial and professional levels. Since more women hold high-level jobs, their time off for pregnancy has caused serious problems. In the past eight years, the number of women over thirty having a child has almost doubled."

Ann Crittenden, The Price of Motherhood 37, 2001

"Women are not dropping out of the law. A national study has found only a 1 to 2 percent difference in the number of men and women leaving the practice of law. According to the *ABA Journal*, 95 percent of women lawyers who have a child return to work within a year. What women are dropping out of are the large firms. Typically, female graduates flock into the big firms, work morning, noon, and night for a few years, and then depart, leaving the fat pickings of partnership to the men The women are in public interest law, small firms, and working for government. This is the typical pattern. Women are more apt to go into the relatively low paying, less pressured areas of

government and legal services, and, increasingly, corporate in-house counsel. The reason is children."

Vivia Chen, "Cracks in the Ceiling," *The American Lawyer*, June 3, 2003

"Despite the promising statistics and progressive policies, a vastly disproportionate percentage of women still aren't sticking around to compete for the ultimate firm prize: partnership. The reality is that almost all associates bail out of firms, but women lawyers, who more often seem charged with trying to balance work and home, bail out of the game far more often than men. 'There are certain things about the practice of law on the cutting edge that puts pressure on people,' says Cravath, Swaine & Moore's managing partner Robert Joffe, 'and people have to make choices.' When push comes to shove, women tend to choose family over competition for big-time partnerships."

"Does the choice have to be that stark? After reviewing statistics and talking to women at major firms, we see a variety of experiences. Some leading firms, such as New York's Davis Polk & Wardwell, seem to have done exceptionally well in addressing the work-home dilemma while advancing women; others -- such as Milbank, Tweed, Hadley & McCloy -- have stagnated or fallen behind. What can we learn from the successes and failures? One lesson is clear: The easy part is putting those progressive policies on the books; the hard part is convincing all parties -- both the institution and the women -- that they can work."

Section B: The Need for Women in the Law

1. Women in the Law: a Virtuous Endeavor

— *How does the study and practice of law allow women to "answer the design of their creation"?*

— *How can a women studying or practicing law be following the admonition of Paul?*

Reading Excerpts

Thirteenth Article of Faith

"We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men; indeed, we may say that we follow the admonition of Paul—We believe all things, we hope all things, we have

endured many things, and hope to be able to endure all things. If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things."

Spencer W. Kimball, Conference Report, 1960, p. 84

"What mother, looking down with tenderness upon her chubby infant does not envision her child as the president of the Church or the leader of her nation! As he is nestled in her arms, she sees him a statesman, a leader, a prophet. Some dreams do come true! One mother gives us a Shakespeare, another a Michelangelo, and another an Abraham Lincoln, and still another a Joseph Smith.

"When theologians are reeling and stumbling, when lips are pretending and hearts are wandering, and people are 'running to and fro, seeking the word of the Lord and cannot find it'—when clouds of error need dissipating and spiritual darkness needs penetrating and heavens need opening, a little infant is born."

Harold B. Lee, Relief Society Magazine, January 1965, p.8

"When you teach a boy, you are just teaching another individual, but when you teach a woman or a girl, you are teaching a whole family."

Gordon B. Hinckley, "Charity Never Faileth" Ensign, Nov. 1981, 97

"[T]here is another facet to [Camilla Eyring Kimball's] nature that ought to be an example to all of us, and I point it out particularly to you younger women. She came of a very large family. She was the first of the children to leave home to secure an education. She thirsted for knowledge and she secured it. Having qualified for her chosen vocation, she used part of her earnings to help her brothers and sisters begin their education. From that family have come men and women of world renown.

"Sister Kimball has never lost her hunger for learning. Reading is of the very essence of her life. She feasted on it when she was young, and now in her later years it is a comfort and a strength to her. To women everywhere she is a shining example of the need to grow constantly, to stretch the mind, to enlarge understanding, to be nurtured by the thoughts of great men and women of all ages."

Brigham Young, JD 13:61

"We have sisters here who, if they had the privilege of studying, would make just as good mathematicians or accountants as any man; and we think they ought to have the privilege to study these branches of knowledge that they may develop the powers with which they are endowed. We believe that women are useful, not only to sweep houses, wash dishes, make beds, raise babies, but that they should stand behind the counter, study law or physics, or become good

book-keepers and be able to do the business in any counting house, and all this to enlarge their sphere of usefulness for the benefit of society at large. In following these things they but answer the design of their creation. These, and many more things of equal utility are incorporated in our religion, and we believe and try to practice them.

Gordon B. Hinckley, "A Prophet's Counsel and a Prayer for Youth," Ensign, Jan. 2001, at 2

"You need all the education you can get . . . [Q]ualify yourselves to do the work of the world. That world will in large measure pay you what it thinks you are worth, and your worth will increase as you gain education and proficiency in your chosen field."

Gordon B. Hinckley, "How Can I Become the Woman of Whom I Dream?" Ensign, May 2001, 93

"Find purpose in your life. Choose the things you would like to do, and educate yourselves to be effective in their pursuit. For most it is very difficult to settle on a vocation. You are hopeful that you will marry and that all will be taken care of. In this day and time, a girl needs an education. She needs the means and skills by which to earn a living should she find herself in a situation where it becomes necessary to do so.

"Study your options. Pray to the Lord earnestly for direction. Then pursue your course with resolution.

"The whole gamut of human endeavor is now open to women. There is not anything that you cannot do if you will set your mind to it. You can include in the dream of the woman you would like to be a picture of one qualified to serve society and make a significant contribution to the world of which she will be a part."

James E. Faust, "You Are All Heaven Sent," Ensign, Nov. 2002, 110

"I rejoice that opportunities for women in the Church and in the world are increasing. We hope that you will enhance these expanding opportunities by bringing to them your sublime feminine touch."

Jane Wise, "Law School: A Sacred Experience," Clark Memorandum, Spring 2003

"The most extraordinary and sacred experiences in the history of the world began quietly: the birth of a baby in a stable before only a handful of witnesses although the town was packed with travelers; silent agony in a garden where the closest witnesses were asleep on the ground; crosses outside the city gate where the ordinary gruesomeness of a Roman execution brought only curious stares.

"Our most sacred experiences are bound to us in quiet ways. We enter the temple to make covenants

and receive promises that God will reveal Himself to us in the sanctifying of our *ordinary* lives: our obedience, our actions in day-to-day situations, our quiet contributions to His kingdom.

"I want to emphasize that it will be the same in your law school education. In the small and simple things of your law school experience, great things will come to pass, and those things will be sacred. There was much that had to be set in motion for you to enter the doors of this school. In reading these [entrance] essays I see that the motivation to attend law school came out of desires to serve, desires to live life more fully, desires for justice, and desires to make a difference in the world. That is reflected in many schools across the nation. One friend described her class at Catholic University's Law School, where many of her colleagues are former priests and nuns. These people had come face-to-face with injustice as they served humanity. They left their orders in the name of 'justice' to pick up new tools on behalf of the downtrodden.

"Justice is certainly one of those 'great' things that will swell and grow from the small and simple things we undertake. But seeking for justice won't make the study of law sacred—and for a disciple of Christ, it should be sacred."

2. Contributing Together: Men & Women in the Law

- *What qualities inherited from Mother Eve make women's contribution to the law unique?*
- *What qualities inherited from Father Adam make men's contribution to the law unique?*
- *How might these two sexes work together, as exemplified by our First Parents and Second Parents, in complementing and compensating for each other in responding to the call of law and make it complete?*
- *Why does Satan try so hard to put the sexes at odds with one another?*

Reading Excerpts

Hugh W. Nibley, "Patriarchy and Matriarchy," *Old Testament and Related Studies*, vol. 1, 1987

"Even in the garden mankind were subject to temptation; but they were not evil by nature—they had to work at that. All have fallen, but how *far* we fall depends on us. From Cain and Lamech through the Watchers and Enoch to the mandatory cleansing of the Flood, the corruption spread and enveloped all the earth. Central to the drama was a never-ending tension and conflict between the matriarchal and patriarchal orders, both of which were perversions. Each has its particular brand of corruption.

"[M]atriarchy and patriarchy *must* always be mortal enemies. Why? Because of the last part of the word, the *-arch*. In Bailly's dictionary, the first definition given for the word *-arche* is 'beginning, specifically the origin of quarrel or 'murder''; the second definition is 'command, power, authority,' which is what the quarrel is all about. The suffix *archy* means always to be *first* in order, whether in time or eminence; the point is that there can only be *one* first. To be first is Satan's first principle: 'Better to reign in Hell, than serve in Heav'n.' Whatever the game, the object is to be Number One.

"It was Abraham and Sarah who restored the state of our primal parents, she as well as he, for in the perfect balance they maintained, he is as dependent on her as she on him. With them were restored the covenants and promises of our first parents.

"Thus Pharaoh feared Abraham's power and priesthood and so first attempted to prevent Abraham's birth by putting to death all male infants born in the kingdom and then by imprisoning him as a child and finally by putting him on an altar from which he was delivered by an angel. Finally the proud monarch surrendered and conceded that the God of Abraham had all the power after all.

"It was also pharaoh who sought the hand of Sarah, the true princess, in order to raise up a royal progeny by her. Upon a royal bed identical in form with the altar of Abraham, she too prayed for deliverance and was rescued by an angel while the king was constrained to recognize Sarah's true marriage and heritage, bestowing on her regal insignia and a royal escort. At God's command, Abraham humbled himself to ask Sarah a favor to declare herself to be his sister, eligible to marry another and thus save his life. This is only part of the deference that Abraham had to make to his wife, and it left no place for his male pride. Sarah, on the other hand, with equal humility, went to Abraham confessing God's hand in her childlessness and actually begging him to have children by another woman. Can one imagine a greater test of pride? When both sides of the equation are reduced, the remainder on both sides is only a great love."

Emily Barker, "Engendering Change," *The American Lawyer*, June 2003

"Vinson & Elkin's women's initiative, including mentoring, flextime, and part-time partnership track "is not simply a nice gesture or an effort to make up for past injustices. It's just good management. After all, good mentoring helps both male and female lawyers. So does setting clear standards for year-by-year progress and partnership. One surprising finding of the Catalyst study at V&E was that many male lawyers who had left the firm cited work-life balance issues, too. Early on in the Women's Initiative, says managing partner Dilg, there was some resentment among male associates at V&E who believed—incorrectly—that the revamped flextime program was aimed at women only. Actually, it is available to both, although women tend to use it more.

"In fact, a major sign of success for programs like the Women's Initiative will be the extent to which men benefit from them. It's no bad thing for firms to hang on to more talented male lawyers, too. Work-life balance issues affect men, too, and as long as work-life balance is regarded as only a women's issue, there's a limit to how much progress will be made."

3. Defending the Home through the Law

- *What are the ways in which the law has begun to penetrate the home?*
- *Why are women and men working together needed in the law to combat this assault?*

Reading Excerpts

"The Family: A Proclamation to the World," *Ensign*, Nov. 1995, 102

We warn that individuals who violate covenants of chastity, who abuse spouse or offspring, or who fail to fulfill family responsibilities will one day stand accountable before God. Further, we warn that the disintegration of the family will bring upon individuals, communities, and nations the calamities foretold by ancient and modern prophets. We call upon responsible citizens and officers of government everywhere to promote those measures designed to maintain and strengthen the family as the fundamental unit of society.

W. Eugene Hansen, "Children and the Family," *Ensign*, May 1998, 58

"[The Proclamation on the Family] are sobering words, particularly in light of the adversary's continuing assault on traditional values and the impact it is having upon the family. It becomes obvious that much needs to be done to reverse the trends that continue to place the family at risk. In desperation, society turns to the secular. Social programs are spawned. Government agencies are enlisted to provide public funding and programs in an attempt to change the destructive trends. While spotty successes are observed, general trends remain alarming. I submit that if real and lasting change is to occur, it will come only as we return to our spiritual moorings."

Ezra Taft Benson, "Watchman, Warn the Wicked," *Ensign*, July 1973, 38

"The Church of Jesus Christ of Latter-day Saints stands firm in support of the great spiritual and moral principles which have been the basic traditions of the free world. We oppose every evil effort to downgrade or challenge the eternal verities which have undergirded civilization from the beginning. We will use every honorable means to strengthen the home and family; to encourage obedience to the first and great commandment to multiply and replenish the earth through noble parenthood; and to strengthen character through adherence to high spiritual and moral principles."

Ann Coulter, Forward to "Feminist Fantasies," 2003

"[W]hen Schlafly was testifying against the Equal Rights Amendment (ERA), she was often ridiculed by media feminists for not being a lawyer. So while writing her syndicated column, raising six highly accomplished children, and defeating the ERA, Schlafly went to Washington University Law School in St. Louis. She graduated near the top of her class, winning the prize in administrative law. Though Schlafly is most famously associated with her stunning, nearly miraculous defeat of ERA, she has played a pivotal role in a broad range of political controversies for four decades."

4. Living Examples: Responding to the Call of Law

- *What is the source of the seed planted in each man and woman that inspires and draws them to make a difference in the law and other fields?*
- *How might those seeds be cultivated, in ourselves and others?*

Reading & Interview Excerpts

Jane Wise, "Law School: A Sacred Experience," *Clark Memorandum*, Spring 2003

"[S]ix months from an undergraduate degree in English and theatre performance and wondering what on earth I was going to do. Graduate school? Get a 'real' job? My father, an attorney (and I had no real idea what that meant), said, 'Why don't you go to law school? You love to read, you love school, you love to perform—you're a natural.' The seed was planted, and it began to swell in my heart. It began to enlarge my soul and be delicious to me."

Press Release, *Independent Women's Law Forum*, *What Harvard Doesn't Teach*," June 200

"Describing her three years on the Harvard [law] campus, Williams reflects, 'I look back angrily that I was silent and felt I had to shuffle away when certain topics came up.' When Williams listened to her professors or was challenged by her fellow students, she found many reasons why she needed to speak up, but not much support to do so, or even her right to hold different beliefs."

"She discovered that there is a great need for women with dissenting views to connect and find strength in each other instead of walking around with invisible duct tape over their mouths."

"So one night in October, an ad hoc group of 10 women from the law school met . . . They didn't know one another, but it didn't take long for a discussion to catch fire."

"At Harvard? Sad, but it's true. 'What tends to happen is you're silenced as a conservative woman,' says Williams. 'It was a revelation to say what you wanted to say. [. . .] Afterwards we looked at each other and thought, 'This is the first time I've actually had this experience at this school.'"

"With this in mind Williams set out, with the help of some like-minded friends, to chart a different course. It all began with a simple email that asked, 'Are you tired of the notion that there is a universal 'women's viewpoint?' Are you frustrated that this women's viewpoint looks unkindly on your convictions?'"

"Looking back on her efforts, Williams admits, 'I was nervous. It wasn't me to put myself in that sort of position.' But it wasn't in vain. A chord was struck, interest was sparked, and a communal sigh of relief could have been heard, 'Gosh, I'm not the only one.'"

Barbara Melendez, *Immigration Attorney of Dredge, Lallatin & Melendez in Provo, UT*, July 2003

"Although I was born a U.S. citizen, I lived in Cuba as a young girl before migrating to the United States. In Cuba, there was no food and government rations, and we were not able to speak freely. Then I came to a country where you *can* speak out and there *was* real

freedom; yet the violence, poverty, and drug addiction of south Bronx seemed a real contradiction. There was really little else I could do other than to be an advocate. Whether I was an advocate for a client or a cause, I had to work within the system to provide some justice."

Constance Lundberg, *Associate Dean/Law Librarian of J. Reuben Clark Law School*, July 2003

"When I became involved in Civil Rights Movement in the '60s, I decided to help register black voters in Mississippi with the Student Non-Violent Coordinating Committee. We knew we could get beaten up, go to jail, and possibly die, yet the idea of getting beaten up was not a disincentive: it was a challenge. Before I left, I told my dad I wasn't going back to school. My poor dad looked at me and said, 'Do civil rights. Anybody can be a body and get beaten up. Go to law school and make a difference. If you can do what other people can't do, you have an obligation to do it.'"

Lesson 2: Responding to the Call of Motherhood

Scriptural References:

Eccl. 3:1-9
Prov. 3:5-10
3 Ne. 13:33
Matt. 7:1
D&C 58:26
2 Ne. 2:27

Selected Reading Material:

Spencer W. Kimball, "The Role of Righteous Women," *Ensign*, Nov. 1979, 102
Ezra Taft Benson, "The Honored Place of Woman," *Ensign*, Nov. 1981, 104
Bruce C. Haften, "Principles and Perspectives," *Clothed With Charity*, 1997

Section A: Motherhood—A Divine Call

1. Womanhood begets Motherhood

— *How is the title "mother" the call and title of all women, regardless of motherhood?*

— *How might single women lawyers also respond to this call?*

Reading Excerpts

Sheri L. Dew, “Are We Not All Mothers?” *Ensign*, Nov. 2001, at 96

“Have you ever wondered why prophets have taught the doctrine of motherhood— and it *is* doctrine—again and again? I have. I have thought long and hard about the work of women of God. And I have wrestled with what the doctrine of motherhood means for *all* of us. This issue has driven me to my knees, to the scriptures, and to the temple—all of which teach an ennobling doctrine regarding our most crucial role as women. It is a doctrine about which we must be clear if we hope to stand ‘steadfast and immovable,’ (Mosiah 5:15), regarding the issues that swirl around our gender. For Satan has declared war on motherhood. He knows that those who rock the cradle can rock his earthly empire. And he knows that without righteous mothers loving and leading the next generation, the kingdom of God will fail.”

Ann Crittenden, *The Price of Motherhood* 11, 2003

“[I]f human abilities are the ultimate fount of economic progress, as many economists now agree, and if those abilities are nurtured (or stunted) in the early years, then mothers and other caregivers of the young are the most important producers in the economy. They do have, literally, the most important job in the world.”

Phyllis Schlafly, *Feminist Fantasies* 197, 2003

“Marriage and motherhood have their trials and tribulations, but what lifestyle doesn’t? If you look upon your home as a cage, you will find yourself just as imprisoned in an office or a factory. The flight from the home is a flight from self, from responsibility, from the nature of woman, in pursuit of false hopes and fading fantasies.”

Second Annual IWF Sex & Dating Conference Press Release, Independent Women’s Forum, September 2002

“Sylvia Ann Hewlett, Ph.D., an economist and author of the hot new book *Creating a Life: Professional Women and the Quest for Children* (Talk Miramax), explains in her book, ‘One of the most wrenching challenges for women today [is] creating rich multidimensional lives that contain both career and children.’ Her message to the college women at the conference was powerful: Think long and hard about what you want your life to look like when you’re 45, and make strategic decisions now before it’s too late to achieve your goal.”

“Dr. Hewlett began researching her book when asked by the Harvard Business Review to interview successful women of the ‘breakthrough generation’ who profited from the equal rights legislation of the 1970s. She interviewed 15 successful women—including Diane Sawyer and Jessye Norman—and rather surprisingly found that all 15 of these highly successful women, rather than expressing satisfaction at their unequivocal success, had second thoughts about their lives.

“‘I was fascinated by one central question,’ said Hewlett. ‘Was this a choice? Did these women at age 28 snap their fingers and say, ‘Hey, what I want is the big career-family is not for me.’ Unfortunately, that was not the case—these women had not chosen to be childless, rather they expressed regret at being forced to sacrifice family in favor of career. According to Dr. Hewlett, the more successful a woman is, the more likely she is to be without a partner and childless.

“Part of the problem is that women are expected to ‘clone the male competitive model’ in the workplace. Dr. Hewlett noted that one headhunter she interviewed plainly stated, ‘You know, we are not so interested in women. What we really want are men in skirts.’”

Deborah Rhode, *The Difference “Difference” Makes* 14-15, 2003

“Unsurprisingly, most surveyed female executives and lawyers feel that they do not have sufficient time for themselves or their families. . . . women who do not have a family often lack time for relationships that might lead to one.”

2. Divine Roles: The Gift of Motherhood

— *Why has God given separate and unique gifts and callings to men and women? What happens when those roles are frustrated?*

— *What does the “surprise” of motherhood teach about the divinely appointed roles given to men and women?*

Spencer W. Kimball, “The Role of Righteous Women,” *Ensign*, Nov. 1979, p. 102

“Within [the gospel] . . . , our roles and assignments differ. These are eternal differences— with women being given many tremendous responsibilities of motherhood and sisterhood and men being given the tremendous responsibilities of fatherhood and the

priesthood—but the man is not without the woman nor the woman without the man in the Lord (see 1 Cor. 11:11). Both a righteous man and a righteous woman are a blessing to all those their lives touch.”

“Remember, in the world before we came here, faithful women were given certain assignments while faithful men were foreordained to certain priesthood tasks. While we do not now remember the particulars, this does not alter the glorious reality of what we once agreed to. You are accountable for those things which long ago were expected of you just as are those we sustain as prophets and apostles!”

Danielle Crittenden, What Our Mothers Didn't Tell Us 25, 1999

“[I]n all the ripping down of barriers that has taken place over a generation, we may have inadvertently also smashed the foundations necessary for our happiness. Pretending that we are the same as men—with similar needs and desires—has only led many of us to find out, brutally, how different we really are. In demanding radical independence—from men, from our families—we may have also abandoned certain bargains and institutions that didn't always work perfectly but until very recently were civilization's best ways of taming the feckless human heart.”

Ann Crittenden, The Price of Motherhood 34, 2003

“[F]ully 25 percent of the female Harvard MBAs of the 1970s, some of the most expensively trained and highly motivated people in the country, had left the workplace entirely by the early 1990s. Many said they had been forced out of the best jobs once they became mothers. The women felt 'blindsided'; they hadn't expected it to be so difficult to combine motherhood with a career. Their expectations and self-esteem were high, based on their superb education and proven competence. They had simply not anticipated two things: the degree to which they would fall in love with their new baby, and the high professional price they would be forced to pay for that love.”

Susan Gibson, “What's That Again, Feminism?” Washington Post, 28 Jan. 1982

“Feminism did not prepare me for marriage and childbirth . . . After the initial shock, I loved pregnancy. And I loved my baby. Loved is hardly the word for it; for a year or more I was possessed.”

Phyllis Schlafly, Feminist Fantasies 196, 2003

Israeli premier Golda Meir was the outstanding career woman of her time. She achieved more in a man's world than any woman in any country—and she did it on ability, not on her looks or her legs. The Gallup Poll repeatedly identified her as the most admired woman in the world. Yet Golda Meir said that having a baby is the most fulfilling thing a woman can ever

do If young women think that there are greater career satisfactions in being elected to important positions, traveling to exciting faraway places, having executive authority over large numbers of people, winning a big lawsuit, or earning a financial fortune than there are in having a baby, they are wrong. None of those measures of career success can compare with the thrill, satisfaction, and fun of having and caring for babies and watching them respond and grow under a mother's loving care.

Section B: Balancing Law and Womanhood through Seasons

- *What advantage might there be to approach motherhood and legal practice through “seasons” as advocated in Ecclesiastes?*
- *How might an LDS woman lawyer obey the commandment to “seek [] first the kingdom of God” through “seasons”?*
- *What benefits result to men and women alike when a life-family balance is attained in the workplace?*

Reading & Interview Excerpts

James E. Faust, Message to Our Granddaughters, Devotional Address, Brigham Young University, Provo, Utah, Feb. 12, 1985

“In the book of Ecclesiastes, it says, ‘To everything there is a season, and a time to every purpose under the heaven,’ (Eccl. 3:1) It seems that the new roles of women have not decreased their responsibilities because while the new roles are challenging, the old roles of wife and mother are in the soul and cry out to be satisfied. . . . Fortunately, women do not have to track a career like a man does. She may fit more than one career into the various seasons of life. She cannot sing all the verses of her song at the same time.”

Sara Davidson, Having it All. Esquire, June 1984 at 54, 60

“The notion that a women might have it all—an absorbing career, a loving marriage, children—continues to grip me with an almost mystical power. The woman who can balance family and career—love and work— is the woman most men say they desire

and most women say they want to be. Yet I do not know such a woman . . . The only answer I come up with is that you can have it sequentially. At one stage you may emphasize career, and at another, marriage and nurturing young children, and at any point you will be aware of what is missing. If you are lucky, you will be able to fit everything in.”

Sandra Day O’Connor, The Majesty of the Law 165, 2003

“Today American women are confronted by ‘the juggle.’ While many women are able to balance a profession and home admirably, it is nonetheless true that time spent at home is time that cannot be billed to clients or spent making contacts at social or professional organizations. Women still may come up against what has been called a ‘mommy track’ or a ‘glass ceiling’ in their chosen professions—a delayed or blocked ascent to partnership or management status due to family responsibilities. Women who do not wish to be left behind often face a difficult choice. Some forego family life altogether in order to attain their career aspirations. Others decide that the demands of a career require delaying family responsibilities at the very time in their lives when bearing children is physically easiest. Personally, I chose to have and enjoy my family early on and to resume my career path somewhat later. But the ideal choice, to the extent that it exists, is certainly not self-evident”

Section C: Using Agency in Finding a Peaceful Balance

1. Using Agency in Deciding the Balance

- *How is the gift of agency and the prohibition against judging related? What can women and men in the church and the law do to encourage both righteous practices?*
- *What “correct” principles may influence a woman’s decision in how to balance womanhood and the law?*

Reading Excerpts

Bruce C. Hafen, Principles and Preferences , Clothed With Charity, 1997

“Our very confidence in the correctness of the Church’s positions on numerous lifestyle issues leads some of us to become opinionated and judgmental about other people’s choices At that point, we may wrongly assume that our personal perspective is also the Lord’s perspective and that our preferences reflect his principles.

I have learned from a variety of Latter-day Saint women that this tendency to judge other people’s choices can become emotional and ugly among LDS women. A woman who writes for a Church-owned publication reports that no matter what feature stories her publication runs on LDS women, she receives angry mail from women readers who disapprove of the messages they think are hidden in the stories. Stories about women doing professional work may prompt the complaint that such features undermine the Church’s counsel that a woman’s first priority is her family. Stories about women doing domestic work provoke the response that such features improperly exclude all LDS women from higher education and meaningful careers. According to this woman, the people who are hardest on LDS women are other LDS women.

[E]ven when we eliminate differences of preference, personality, and circumstances so that we’re talking only about principles, all situations will not yield the same results because the natural and often unavoidable paradox of competing true principles.

How [] essential it is for us to ‘let’ people govern themselves and be themselves in circumstances in which they apply competing [true] principles and consider appropriate matters of preference.”

Joseph Smith, Millennial Star, 15 Nov. 1851, p. 13

“I teach them correct principles, and they govern themselves.”

2. Living Examples—Life’s Lessons on Womanhood and the Law

- *How is a legal education profitable to women and their families regardless of the income it generates?*
- *How can women’s righteous examples influence and inspire other women lawyers within the Church? How can it inspire those of other faiths?*

Interview Excerpts

Barbara Melendez, of Dredge, Lallatin & Melendez in Provo, UT

“Concerning balance as a mother and lawyer, my advice is to recognize when you won’t be balanced. There are days when you will not be a fantastic mother and walk out thinking you did a lousy thing. There are certain solid posts that I live by – family prayer, individual prayer, and a recognition that I’m not perfect. Membership in the gospel requires you to get off the fence and make a commitment. That does not require you as an LDS women to work, but it requires you to make a commitment to whatever you are doing. If I am a stay at home mother, am I committed to doing the best I can to being a stay at home mother – do I live the gospel, do I teach the gospel, do I share the gospel? If I am a working mother, do I do the same?”

Judge Denise Lindberg, State of Utah, Third District Court

“I think it’s probably a fair statement to say that in some ways, I’ve been a non-traditional mother within the Mormon culture. But in our home, we always valued education. For me, it’s been a fetish, because I came to this country as a refugee. At a young age, I saw that material possession could be easily taken away from you: I saw that my mother, who had a good education, was in a position to provide for us and to take care of the family in ways that she probably never anticipated that she would have to do. All the securities of life—husband, ample material possession, a good life—disappeared pretty much overnight. She was left having to restart a new life in a new place with a husband that was ill and died soon after. That awareness stuck with me. In our home, we have always had dinner conversations about all kinds of current affairs. My children have internalized the value of education. Our oldest son recently finished his MBA and is doing investment banking in Switzerland. My other son just completed his engineering degree and is attending BYU Law School. I believe both their selection of spouses and their quest for knowledge have been affected by what my husband and I have taught and pursued.”

M. Gay Taylor, General Counsel, Utah State Legislature

“I would encourage women to choose a law degree, because it provides a lot of flexibility. The income level is more than most professions, which is a healthy thing, especially if you’re supporting yourself or if it’s a fall back income within a family.

I was teaching a Young Women’s class and had them fill out a questionnaire about what they would be doing with their life in five years, ten years, and twenty years. Most put down ‘hairedresser,’ ‘secretary,’ or

‘homemaker.’ Under some of the chairs of these young women I had taped a card with an outcome, giving real women’s biographies that I knew. One life was a woman who never married, one was a woman whose husband had been hit with a debilitating disease and was no longer able to be employed, one woman’s husband decided to finish his bachelor’s degree and then become a psychiatrist after ten years of marriage and four children, and the life scenes went on. I had each young woman read the card given to her as if it was what was going to happen to her and then compare that life with her ability to pay for the expenses that she would encounter. As a class, we compared this real life circumstance with her dream profession and the money she could make. Most were totally unprepared for the realities of life. Certainly, it’s a good thing to plan on being a wife and a mother. But it is also a good thing to plan on being educated, to choose a profession that will provide a good insurance policy to you as a wife and mother in case the need to become the breadwinner ever happens to you. And regardless of whether you have to use it for income, better educated women produce better educated children and more missionaries, and that is a good thing for society in general.”

Constance Lundberg, Associate Dean, J. Reuben Clark Law School

“When I had been married a year I realized that I could not do what I was doing anymore. I was a partner at a firm in Salt Lake and the department head. I was out of town most of the time and rarely home before seven; however, I didn’t get married to never be home or be with my family. I married a widower who had a family. For me, being away from my family day and night was not right, although it may be right for someone else. But for me, that was not right. I wanted an active and full family life.

So I started looking for other opportunities that were less demanding of my nights and weekends. Although I did not have strong BYU connections, Reese Hansen strongly encouraged me to teach at the Law School. I was worried about how a woman would be perceived because there was only one other woman at the law school then and she was in a non-teaching position. Too, I was worried about what would happen when President Benson became President of the Church. I was not sure women faculty would still be welcome at BYU. When I had my interview with Pres. Romney, he said, ‘Don’t worry, you’re doing the right thing.’ I had been praying about this, and I felt so clearly that this was an answer to prayer. I have felt over the years that there were a lot of times when I was able to share a perspective or an experience that was helpful.

It’s important for women in the church to learn and grow and develop and achieve – you can’t be too well qualified. I think the Church needs those skills and women bring a perspective that is different and

important. Some women who don't think they will work outside the home will: 85% of women in the U.S. will be the primary provider at some point in their life. You figure out who you are and then time tells you what you are suppose to do. I really believe that if you are a person of faith and you will prepare yourself as well as you can, the Lord will use it."

Michelle Mumford, Homemaker, New York, New York

I found [an article in the New York Times entitled "The Opt-Out Revolution"] typical of the recent literature regarding women and the workplace -- women who "have it all" in terms of power, success, education, money, etc. etc. choose to, gasp, horror, stay home and sing ABCs. The articles all contain the inference that such decisions waste intellect and opportunity, and all express surprise that such women could be making such choices. Ironically, at the same time, the articles (at least the ones in New York) create some kind of new "it" class of rich, educated, fabulously-dressed, super-moms spending their days shopping and drinking coffee in Starbucks, with the stroller in tow. The media can't decide what side it wants to be on - and always ends up hoping for some kind of ideal, hybrid, part-time, have-it-all joke.

I see no shame in raising children. In fact, I'm embarrassed for all those who've thus shunned the billions of mothers who have lovingly tended to their little ones in years past. Do we think we're better than they are?

The feminist revolution did a great thing -- they gave us the choice. And with that choice, we are free. Even though the feminists intended for us to choose the workplace, most of us have chosen to be home. And the choice is what made us happy with our lives.

I'm an at-home mother. I'm not an attorney who's at home for a few years, I'm a mother. And even though I had the choice, it wasn't a choice at all. You can't waste an education. You can't waste job experience. Even though I didn't make it to the top of the ladder before I left, and even though my name isn't known throughout the legal world, I learned a lot, and I may not be done just yet. Life is long, sisters. There are a million people who can do the job I was doing at work. I'm the only one who can be my daughter's mother. I chose to be where I was needed most. And I don't regret it.

Sheryl Simpson Hendrickson, Homemaker, Thousand Oaks, CA

"In 1991 I was working for then Baker & Bott in Washington, D.C. They had actively pursued me and even paid \$10,000 to move my husband and me across the country when I was six months pregnant. Although 'part-time' work had just started to come into vogue, about the time my son was a year old, I managed to negotiate sixty-seventy percent time, which meant I went from 60 billable hours in five days to 40 billable hours in four days. About that time, Kathy Pullins who is the Dean of Students at BYU

Law School, called and invited me to speak to the women in the law school.

"They all want to hear how you, as a faithful Latter-day Saint professional woman, have maintained your priorities and balanced the demands of home of career.

"I told her, 'No, Kathy, you don't want me. It's awful -- I don't have time for my husband, I don't have time for my son."

"But I agreed. I thought I needed to approach the subject positively, yet portray how it really was at the same time. On the plane ride over, I did a color-coded time schedule on how many hours you need to work and then the remaining time left for calling, husband, baby, household chores. Because of the demands of work, you don't have time for meaningful callings or for household chores, which you have to delegate out. Then I talked about how I used the commute time to read all of the materials I needed to read which weren't billable.

"The first time I read Pres. Benson's talk on Mothers in Zion, I thought, 'Wonderful. This is for the majority of the Church so they no longer have to justify staying at home. But for those who were given extra measures like us, we don't need to justify staying at home.' The second time I read the talk, the Spirit worked on me in a different way. I told the women at the law school that as I re-read the talk, I realized that this was for me and I needed to spend time with my baby. There was a time and a season for motherhood, and I realized that motherhood was what I needed to do now. I realized I had been selfish with my time. Sandra O'Connor took time off to raise her family and was very successful. I realized if she could do it, I needed to do it. I told those girls I was going back to my firm and telling them I needed to take time off."

"After I gave my notice, things started falling apart in the business opportunities for my husband. The Lord was challenging us, trying our faith. After I finally did quit, his business instantly turned around.

"Since then, I have saved my husband about \$20,000 in attorney's fees. I've been involved in the PTA, have done some state lobbying, and set up fundraising programs. One of my sons has a learning disability and I have been my son's attorney and represented him on occasion. Looking back, I wouldn't do it any other way. I miss some aspects of practicing law, but I wouldn't have traded my experiences with my family for anything. And I will go back and find some wonderful cause that is meaningful for me."

Conclusion:

- Summary of main points
- Discussion questions.