Administration of Justice 132, Fall Semester 2003

WOMEN, MINORITIES and the LAW
(Advanced GE, Area S)
Course Syllabus

Professor: Ann Lucas, J.D., Ph.D.
MacQuarrie Hall 513
Office: (408) 924-2914
Dept. fax: (408) 924-2953
E-mail: alucas@casa.sjsu.edu

Office Hours: Tues., Thurs. 9:15-10:30 a.m.
Tues. 3:00-5:30 p.m.

Department website: www.sjsu.edu/depts/casa/aj (this syllabus will be posted there)

Class Meeting Times: Tuesday, 5:30-8:15 p.m.

Description: This course explores inequality in the United States, with particular attention to the role of law in creating, maintaining, and eliminating inequality. We will examine various forms or experiences of inequality, emphasizing discrimination based on race, ethnicity, gender, and class. We will also examine discrimination based on sexual orientation, religion, immigration status, and disability. We will discuss whether and how inequality appears in the areas of criminal justice, education, employment, wages, economic opportunity, housing, the family, medical care, the media, interpersonal violence and harassment, friendship and social relations, and individual mental health/self-image.

Course Goals: Students will study the interrelationship of individuals, racial/ethnic groups, and cultural groups (e.g., based on gender, sexuality, religion, disability, etc.) to understand issues related to diversity, equality, and inequality in the United States, its social institutions, and its cultures.

Student Learning Objectives: Successful completion of this course will enable students to describe how social and cultural influences shape various aspects of individual and group identity (e.g., religious, gender, ethnic, sexual, class, disability, age) in a context of equality and/or inequality; describe social, political, economic, historical, legal and cultural factors which produce diversity, equality and inequality; describe attempts by various subordinated groups to achieve social change in the form of greater equality and social justice; and recognize constructive interactions between people from different social groups in the United States.

Specifically, at the time of the final students should be able to

1. Define concepts of identity and theories of prejudice and discrimination from a multi-disciplinary and multicultural perspective.

2. Describe the legal history and current legal context of racial/ethnic, gender, and sexual orientation discrimination in the U.S.

3. Identify structural sources of inequality and equality in major social institutions, e.g., criminal justice, the family, education, and employment, and how these inequalities or equalities are reflected in the law.

4. Analyze case law and constitutional guidelines applicable to claims of discrimination based on gender,
race, ethnicity, religion, age, disability, and sexual orientation.

5. Analyze competing legal rights of men and women in family life, including marriage, reproduction, adoption, child custody, and divorce.

6. Analyze legal and social developments relating to sexual harassment, hate crimes, and affirmative action.

7. Identify social and political movements offering solutions to structured inequality based on race, ethnicity, gender, class, religion, age, sexuality, and disability.

8. Recognize their own and others’ attitudes in regard to racism, sexism and other forms of prejudice.

9. Recognize and appreciate constructive interactions between people of different social/cultural groups or identities in the United States.

10. Gain greater competence in research, writing and analytical skills.

11. Improve verbal skills and ability to communicate with people of different backgrounds and identities.

Required Texts:


Companion website for text: www.mhhe.com/raceclassgender


3. You will also need three (3) bluebooks during the semester, available at Spartan Bookstore or Roberts. You may use whatever size bluebooks you prefer.

Class Participation, Requirements, and Grading:

You are responsible for keeping up with the assigned reading and being prepared to discuss it in class. Class participation helps your learning and your grade. Bring the appropriate text(s) to class. If you miss class, be sure to get notes from someone; the professor’s notes will not be available to students.

During class, please make sure your cell phones and pagers are silent.

Exams: Exams are closed-book, closed-note. Exams include short-answer questions and one essay question. The essay question on the final exam may be comprehensive. Exams cover assigned readings and material covered in class, including videos. A review will be given before each exam. Some material discussed in class is not in the readings; similarly, not everything discussed in the readings will be covered in class. Thus it is very important that you both keep up with the reading and attend class regularly.
You must take the final exam to pass the course. Students who do not take the final will receive an “F” or an “I” for the course, at the instructor’s discretion, regardless of their class average prior to the final. In accordance with University policy, students caught cheating or plagiarizing will also receive an “F” grade for the course.

**Papers:** You will be writing a term paper on a topic related to the course, which will require some library research. You will turn in a draft of this paper in stages, and a revised (final) paper. Full details on the term paper are included at the end of the syllabus.

**Grading:** Your grade will be based on your term paper (and related assignments), three exams, and class participation. Your grade will be calculated as follows:

\[
\text{Exams: } 150 \text{ points each} \times 3 \text{ exams} = 450 \text{ points} \\
\text{Draft of Term Paper, Parts 1-3: } 50 \text{ points} \\
\text{Draft of Term Paper, Parts 4-6: } 50 \text{ points} \\
\text{Journal article citations & summaries: } 25 \text{ points} \\
\text{Final Term Paper: } 200 \text{ points} \\
\text{Class Participation: } 25 \text{ points} \\
\text{800 total points possible} 
\]

Your scores for each test and assignment will be added together, and your total points at the end of the semester will determine your grade. Final grades will be curved (you are measured against the performance of the rest of the class).

**Participation:** Participation is required. At the end of the semester, up to 25 points will be awarded for class participation before grades are calculated. Points for class participation are given for presentations and contributions to class discussions (questions, comments, criticisms, etc.), and **not** simply for attendance.

**Extra credit:** Extra credit assignments may be handed out during the semester. However, extra credit will **not** be sufficient to make up for (replace) a missed assignment; if you slack off during the semester, you cannot rescue your grade with extra credit. In other words, it is essential to keep up with readings, lectures and assignments, and not to miss exams (as makeup exams are more difficult).

**Writing requirement:** Because this course satisfies area S of your advanced general education requirements, it requires a significant amount of writing. A minimum of 3500 words of writing is required for credit in the class. Each exam involves at least 500 words of writing (1500 words total); the drafts of parts of your term paper will be 2-3 pages (minimum 500 words each, 1000 words total), and the final term paper should be 7 pages in length (1750 words minimum).

**Late assignments and missed exams:**

**Assignments:** Assignments received at any time on the day they are due will count as “on time.” Late assignments will be marked down **5 points** for each day they are late, including weekends. Assignments more than ten days late will receive 0 points. You may use email for late assignments at your own risk; emailed material often gets garbled in transmission or fails to arrive due to typographical errors in
addressing. You will receive credit for emailed assignments, like all other assignments, only when they are received by the professor in the correct format (double-spaced, 1-inch margins, etc.). Assignments may be emailed only as attachments, in Word or WordPerfect. Do not send html documents, compressed files, or assignments in other formats. Do not type your assignment into the body of an email. When you need to turn in a late assignment, you are strongly encouraged to use fax rather than email. If you turn in a late assignment in person, be sure to have the person at the AJ Department desk date-stamp the day it was received, then put it in my mailbox. Assignments slipped under my office door will count as received the day I get them, which may not be the day you submitted them - thus using my mailbox is a better option.

**Exams:** **only one** exam can be made up, and only if you have a good reason for missing the exam (e.g., serious illness with physician’s note). Make-up exams are longer and involve more writing than the regular exams. The make-up exam day is the last day of class, and you must notify the professor that you will be taking a make-up exam. Students are strongly discouraged from taking make-up exams, except in dire emergencies, for several reasons: it is harder to remember the earlier material at the end of the semester than when we have just covered it in class; you will probably be completing term papers and studying for finals at this time; and students taking makeups will not have an accurate estimate of their total points before taking the final exam. In other words, if you make some mistakes on the first exam, you have the whole rest of the semester to try to make up those points in class discussions, writing assignments, etc. If you take a makeup for the first or second exam and blow it, you will not know (or have an opportunity to earn extra points) before grades are submitted.

There will be **no exceptions** made to the late paper and missed exam policies.

**Important Dates in Course:**

- August 26 - First day of class
- September 12 - Drop Deadline
- September 16 - Deadline to select book for term paper; review sheets distributed; video
- September 19 - Add Deadline
- September 23 - First midterm exam
- October 14 - Draft of parts 1-3 of term paper due; video
- October 21 - Review sheets distributed
- October 28 - Second midterm exam
- November 11 - Draft of parts 4-6 of term paper due
- November 18 - Citations & summaries of journal articles due
- December 2 - Term papers due; review sheets distributed
- December 9 - Makeup exam day
- December 16 - Final Exam
Course Outline, Reading Assignments, and Exams

I. Introduction: Exploring the experiences of under-represented groups.

A. What are prejudice, discrimination, inequality? How do we recognize them?

Week 1. Tuesday August 26: Introduction to course

No reading assignment

Week 2. Tuesday September 2: Understanding Racism, Sexism and Class Privilege

Read for class RT “Framework Essay” (note vocabulary at end of essay), pp. 2-34;
“Living Invisibly,” p. 173;
Selection on “stereotypes,” pp. 310-315; and
Readings 8, 20, 28, 41, 48, pp. 92-98, 204-208, 243-253, 371-385, 451-454

B. How are prejudice, discrimination and stratification experienced?

Week 3. Tuesday September 9: Understanding Inequality, cont’d; Recognizing Discrimination

Read for class RT “Framework Essay,” pp. 176-202;
“Personal Account,” p. 172;

Week 4. Tuesday September 16: Consequences of Inequality; Review for Exam 1

“Personal Account,” p. 450
Start reading your term paper book
Deadline to inform professor of book for term paper
Review sheet distributed
Video: The Assault on Gay America

Week 5. Tuesday September 23: Exam.

Midterm Examination I - covers readings and discussions for weeks 1-4.
Bring bluebook and pen to class.
(After Tuesday, continue reading your term paper book)

C. What are the economic aspects of American inequality?

Week 6. Tuesday September 30: The Economics of Race, Class and Gender in the U.S.

Read for class RT Readings 14-15, 32, 35-36, 39, 45, 46, pp. 135-152, 271-273, 280-300, 351-366, 420-441
Continue reading your term paper book
II. How did things get this way? How is inequality created and maintained?

A. The social construction of inequality

Week 7. Tuesday October 7: Social Construction


Finish reading your term paper book

B. The role of law in recognizing or ignoring difference

Week 8. Tuesday October 14: Social Construction; Inequality and American Legal History

*Read for class* RT Readings 12, 38, pp. 117-126, 325-351

LT Blackstone on Coverture, pp. 6-8,
The Cult of True Womanhood, pp. 10-12,
Rose Williams’ Forced Marriage, pp. 16-18,
Appendix A, p. 526,
Declaration of Sentiments, pp. 23-25

Draft of Parts 1-3 of Term Paper due
Video: The Murder of Emmet Till

Week 9. Tuesday October 21: Equal Protection; Review for Exam 2

*Read for class* LT, An Introduction to Equal Protection Analysis, pp. 51-54 (skim)
A New Beginning, *Reed v. Reed,* pp. 54-57
*Geduldig v. Aiello,* pp. 61-63
Refining the Model, *Michael M., Perspectives on Women’s Subordination,* pp. 79-86
*Miss. Univ. for Women v. Hogan,* pp. 90-92
*General Electric Co. v. Gilbert,* pp. 111-115

Review sheet for Midterm #2 handed out

Week 10. Tuesday October 28: Exam.

Midterm Examination #2. Covers readings and discussions for weeks 6-9.

Bring bluebook and pen to class.

Week 11. Tuesday November 4: Equal Protection, conclusion; Title VII

*Read for class* LT, Chapter 4, Parts I and II (includes cases *DeSantis, Brown & Root, Mankhart, Hopkins, Lindahl, Griggs, Dothard,* pp. 144-156, 160-173 (skip Texas Dept. of Community Affairs v. Burdine))
Week 12. Tuesday November 11: Title VII, conclusion

*Read for class LT*, Chapter 4, Part III, pp. 173-191 (includes cases *Cheatwood, Diaz, Dothard, Johnson Controls, Torres, Backus*)

*Draft of Parts 4-6 of Term Paper due*

Week 13. Tuesday November 18: Family Law and Inequality within Families

*Read for class LT*, Ch. 7, Pt. I, thru Contemporary Marriage Models (includes cases *McGuire, Glover, Kline, Kirchberg*), pp. 326-340


Ch. 7, Pt. III, pp. 380-393 (skip Child Support Manual for Legal Services)

Ch. 7, Pt. IV (includes cases *Marvin, Schuster, Braschi, Alison D., Baehr, Moore*), pp. 395-413

*Titles, authors, source and 1-paragraph summary of 2 journal articles due*

Week 14. Tuesday November 25: Reproduction and the Law

*Read for class LT*, Chapter 8, Parts I-II (includes cases *Griswold, Carey, Roe, Casey, Jhordan C., Davis, Baby M., A.C., Johnson*), pp. 414-469

Week 15. Tuesday December 2: Course Conclusion: Progress toward equality?

*Read for class RT Readings 40, 42, pp. 366-371, 385-398*

*Term papers due*

*Review sheet for final exam handed out*

Week 16. Tuesday December 9: Make-up Exams.

*Makeup exams given. No class.*

**FINAL EXAMINATION:** Tuesday, December 16, 5:15-8:30 p.m. (in our regular classroom)

*Bring bluebook and pen.*

**Note:** If you want to know your final grade before grades are sent out, please bring a self-addressed, stamped postcard or envelope to the final and I will mail your course grade when I finish grading the finals. To protect student privacy, grades cannot be given out by telephone or email.
Term Paper Guidelines

Your term paper assignment is to read and analyze a book in regard to the subjects’ experiences of race/ethnicity, class, gender, disability, or sexual orientation. You may read a work of nonfiction (autobiography, memoir, ethnography) or fiction. Possible book titles are listed below, but you do not have to select one of these titles unless you want to. You are required, however, to “clear” your book selection with the professor by the date specified on the syllabus, in order to ensure that you select a book which will allow you to complete the term paper successfully, and to give you ample time to read the book and think about it. Try to select a book about a subject or situation that interests you and relates to the course in some way.

Each paper must critically evaluate the work you choose, using the numbered issues below to guide your analysis. Thus, the term paper is not a book report. Although you will likely need to summarize the author’s main arguments or central points, you should focus on analyzing rather than summarizing. Include facts, arguments and quotations to illustrate or support your own points. Note: use these, especially quotations, judiciously—in many cases you will be able to paraphrase the author, making a long indented quote unnecessary. If you, or the author, is making a particularly complex or controversial claim, a direct quotation in support of your argument may be necessary and wise. In other cases, however, extensive use of long quotations is unwise and not recommended. Demonstrate that you understand what you’ve read by putting it in your own words. Note that your assignment, “critical evaluation,” does not mean “critical” in the sense of negative only. If you like and are persuaded by the author’s arguments and analysis, say so and say why; don’t search to find fault where you don’t believe it really exists. Here, “critical” means objective, dispassionate analysis, not just fault-finding.

To aid your analysis of the book, you must utilize at least two scholarly journal articles in your paper. This requires using the library to research and obtain copies of the articles. These should be discussed and cited at appropriate places in your paper. If you choose you may use articles in the course reader as well to support your analysis in the paper, but may not substitute course materials for journal articles. When your paper is complete, you will attach copies of the two articles with the paper when you turn it in. Scholarly (academic) journals are those such as Criminology, Law and Social Inquiry, The American Journal of Sociology, The Harvard Law Review, etc. These journals will be available in the SISU library. The professor and the reference librarians can help you identify which journals are “academic” rather than “popular.” (The presence of footnotes and bibliographies in articles, the lack of advertisements, and a listing of an editorial board containing people affiliated with universities are good indicators the journal is academic.) If you have any doubt about whether your sources are “scholarly” or not, ask the professor. Term papers will be penalized if they fail to use scholarly articles to support the analysis.

Format and Grading: Term papers can earn a maximum of 200 points. Coverage of the issues listed below is worth 150 points total, as indicated; finding, citing, and attaching two journal articles is worth 40 points total (20 points for each article); and writing clarity, lack of typographical errors, numbered pages and including a reference page are (together) worth 10 points. Final term papers must be typed and double-spaced, with one-inch margins and a 12-point font; they should be about 7 pages in length. Papers must include a reference page which includes a full citation of your term paper book; textual and full citations should follow APA format. Be sure to include copies of the two journal articles you use in your analysis. Please number the pages of your paper.
In your paper, include a discussion of the following points in your analysis:

(1) examples/experiences (from the book) of individual discrimination or injustice (15 points)
(2) examples/experiences of institutional or systemic discrimination or injustice (15 points)
(3) relationships between members of dominant and subordinate groups (15 points)
(4) impact of oppression or inequality on the life (lives) of the main character(s), including material impact (economic loss, denied opportunities, health consequences, etc.) (15 points) and symbolic impact (effect on ideology or politics, belief system, self-confidence, autonomy, etc.) (15 points)
(5) how the main character(s) respond to discrimination or injustice (15 points)
(6) role of law in the characters’ experience of injustice or response to injustice (15 points)
(7) how the book fits in with the themes and issues discussed in our class meetings and/or in assigned readings (15 points)
(8) your personal reaction to the author’s story and style of writing (15 points)
(9) what you learned from the book (15 points)

Your paper will be graded based on whether, and how well, you analyze each of these issues. If one of the issues does not seem to apply to the book you read, say so and explain why. For example, if the law was not invoked in response to discrimination, could and/or should it have been? Why did the character forego this option? Etc.

Papers are due on December 2. In order to provide you with feedback on your writing, to help you prepare a more polished term paper by not waiting until the last minute, and to maximize your score on the term paper, you are required to work on it throughout the semester. The schedule is as follows:

- On September 16, you will inform me what book you have selected, and will begin reading it.

- You should finish reading the book during the week of October 6, at the latest.

- On October 14, you will turn in a 2-3 page draft (typed, double-spaced) answering the first three term paper questions above. It will be returned to you with comments, questions and suggested revisions. Save this for use in your final paper.

- On November 11, you will turn in a 2-3 page draft (typed, double-spaced) answering term paper questions 4-6 above. It will be returned to you with comments, questions and suggested revisions. Save this for use in your final paper.

- On November 18, you will turn in a sheet of paper with the title, author, and source for each of your 2 journal articles, in correct (APA) citation form. Under each citation you will provide a short (one-paragraph) summary of the article. You will receive this sheet back with notes about whether each article seems relevant to your topic and is scholarly.

- On December 2, you will turn in the final draft of your term paper which puts it all together. You will have revised your answers to questions 1-6 based on my comments, answered questions 7-9, discussed and included citations to your journal articles, numbered the pages of your paper, and included a full bibliography and copies of your journal articles.
Book suggestions:

Lori Arviso, *The Scalpel and the Silver Bear* (memoir of the first Navajo woman surgeon)

Edward Ball, *Slaves in the Family* (a white man explores his family’s history of slave-owning and its legacy both for his family and for the descendants of their slaves)

Mary Brave Bird, *Lakota Woman*

Terry Bisson, *On a Move: The Story of Mumia Abu Jamal* (account of an African American now in prison for murder, who may have been wrongly convicted)

Claudia Brenner, *Eight Bullets: One Woman’s Story of Surviving Anti-Gay Violence*

Claude Brown, *Manchild in the Promised Land*

John Colapinto, *As Nature Made Him: The Boy who was Raised as a Girl*

Debra Dickerson, *An American Story* (nonfiction account of a woman born into a Black working class family who reaches Harvard Law School)

Martha Tod Dudman, *Augusta, Gone* (mother’s memoir about her runaway teenaged daughter)

Antwone Quenton Fisher, *Finding Fish* (memoir of an African American boy born in prison and raised in foster care)

Ian Frazier, *On the Rez* (account of life on Pine Ridge, an American Indian Reservation)

Lucy Grealy, *Autobiography of a Face* (childhood memoir of a girl whose face is disfigured by bone cancer when she is 10)


Jeanne Wakatsuki Houston, *Farewell to Manzanar: A True Story of Japanese American Experience During and After the World War II Experience*

George Jackson, *Soledad Brother* (memoir of an African-American prisoner)

Harriet A. Jacobs, *Incidents in the Life of a Slave Girl* (nonfiction accounts from pre-Civil War U.S.)

Kevin Johnson, *How Did You Get to Be Mexican: A White/Brown Man’s Search for Identity*

Fauziya Kassindja, *Do They Hear You When You Cry?* (Experience of a woman who comes to the US to escape female genital mutilation in Africa)

Stephen Kuusisto, *Planet of the Blind: A Memoir* (Memoir about author’s progressive blindness and experiences navigating and surviving in urban America)
Deborah Layton, Seductive Poison: A Jonestown Survivor’s Story of Life and Death in the People’s Temple (first-hand account of “People’s Temple” and their mass suicide in Jonestown, Guyana)

Jane Lazarre, Beyond the Whiteness of Whiteness: Memoir of a White Mother of Black Sons

Adrian Nicole LeBlanc, Random Family: Love, Drugs, Trouble and Coming of Age in the Bronx (nonfiction account of Puerto Rican family’s experience with poverty, drugs and crime in the Bronx)

Bill Lee, Chinese Playground: A Memoir (memoir of a boy who grew up in San Francisco’s Chinatown)

Bernard Lefkowitz, Our Guys (true account of the rape of a mentally retarded teenager by white, upper-middle class high school athletes)

Jacki Lyden, Daughter of the Queen of Sheba (memoir of author’s childhood with a mentally ill mother)

Adeline Yen Mah, Falling Leaves: The Story of an Unwanted Chinese Daughter

M. Elaine Mar, Paper Daughter: A Memoir (memoir of an immigrant from Hong Kong who moved to Colorado as a child)

Hans Massaquoi, Destined to Witness: Growing Up Black in Nazi Germany

Mark Mathabane, Kaffir Boy: The True Story of a Black Youth’s Coming of Age in Apartheid South Africa

James McBride, The Color of Water: A Black Man’s Tribute to His White Mother

Frank McCort, Angela’s Ashes (author’s account of growing up in extreme poverty in Ireland)

Janet McDonald, ProjectGirl (memoir of an African-American woman who overcame poverty but had difficulty “escaping” the projects where she grew up)

Anna J. Michener, Becoming Anna: The Autobiography of a Sixteen-Year-Old (a teenage girl’s account of being committed to a mental institution by her abusive parents)

Jack Olsen, Last Man Standing: The Tragedy and Triumph of Geronimo Pratt (account of the wrongful 28-year imprisonment of a Black Panther for a murder he did not commit)

Leonard Peltier, Prison Writings: My Life is My Sun Dance (memoir of an American Indian Movement activist now in prison on charges from a reservation conflict with the FBI)

Leon Pettway, Honey, Honey, Miss Thang: Being Black, Gay, and On the Streets

Leon Pettway, Workin’ It: Women Living Through Drugs and Crime

Deborah Pugh, I Have Arrived Before My Words: Autobiographical Writings of Homeless Women

Patricia Raybon, My First White Friend: Confessions on Race, Love and Forgiveness
Richard Rodriguez, *Hunger of Memory: The Education of Richard Rodriguez*

Sapphire, *Push* (novel about the transformation of a poor, illiterate, abused Black teenaged girl)

Dan Savage, *The Kid: What Happened After My Boyfriend and I Decided to Go Get Pregnant* (memoir of a gay couple’s experiences adopting a child)

Judy Scales-Trent, *Notes of a White Black Woman: Race Color Community*

Daphne Scholinski, *The Last Time I Wore a Dress: A Memoir* (memoir of a girl who was institutionalized in mental hospitals because she rejected makeup and feminine clothing)

Carol Spindel, *Dancing at Halftime: Sports and the Controversy over American Indian Mascots*

Robert Sullivan, *A Whale Hunt* (account of a Native American tribe in the Pacific Northwest and their controversial whale hunt)

Piri Thomas, *Down These Mean Streets* (memoir of a Puerto Rican who grew up in Spanish Harlem)

Gregory Howard Williams, *Life on the Color Line: The True Story of a White Boy Who Discovered He Was Black*

Jade Snow Wong, *Fifth Chinese Daughter* (memoir of a girl’s growing up in San Francisco’s Chinatown)