Justice Studies 132

Race, Gender, Inequality and the Law
(Advanced GE, Area S)
Course Syllabus

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Office Hours: Mon., Wed. 9:15-10:30 AM
Wed. 3:00-5:30 PM

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

Class Meeting Times: Mon., Wed. 1:30 - 2:45 PM, Sweeney Hall 313

Description: This course examines inequality in the United States, and explores the role of law in creating, maintaining, and eliminating inequality. We will analyze various forms of inequality, emphasizing discrimination based on race, ethnicity, gender, and class, and will also consider discrimination based on sexual orientation, religion, immigration status, and disability. We will discuss inequality in criminal justice, education, employment, 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 subordinated groups to achieve 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., employment, the family, education, and criminal justice, 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:**


**Note:** you will also need 3 narrow scantron forms during the semester, available at any textbook store.

**Class Participation, Requirements, and Grading:**

You are responsible for doing the assigned reading on time 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, get notes from a classmate (the professor’s notes will not be available to students). Note that to do well in class, you need to attend regularly. Students who miss class and rely solely on the reading and/or friends' notes consistently perform poorly in JS 132 compared to students who rarely miss class.

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

**Exams:** Exams are closed-book, closed-note. Exams include multiple choice, short-answer and/or short essay questions. Exams cover assigned readings and material covered in class, including videos. A review will be given before each exam. Some material discussed in class will not be 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 come to class.
Exams will be handed out only for the first 10 minutes of the class period in which the exam is being given. Students who arrive more than 10 minutes late will not be allowed to take the exam. This policy also applies to the final.

You must take the final exam to pass the course. Students who do not take the final will receive an AF® or an AI® 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 receive an AF® grade for the course, and will also be reported to the university for student conduct violations. It is much better to miss or fail a single assignment than to cheat and fail the entire course.

**Papers:** You will be writing two short papers and a term paper. One short paper will be a take-home assignment and require a one-page essay; the other short paper will be an in-class assignment involving about one page of writing. You will also 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, 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 four writing assignments (2 short assignments, a draft term paper, and a final term paper), library research for your paper, three exams (2 midterms and a final), and class participation. Your grade will be calculated as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exams: 100 points each x 3 exams =</td>
<td>300 points</td>
</tr>
<tr>
<td>Short Writing Assignments: 40 points each x 2 =</td>
<td>80 points</td>
</tr>
<tr>
<td>Draft of Term Paper:</td>
<td>60 points</td>
</tr>
<tr>
<td>Journal Article Information:</td>
<td>20 points</td>
</tr>
<tr>
<td>Final Term Paper:</td>
<td>140 points</td>
</tr>
<tr>
<td>Class Participation:</td>
<td>25 points</td>
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<td></td>
<td>625 total points possible</td>
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</tbody>
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Scores for each item 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.), not simply for attendance.

**Extra credit assignments:** Several extra credit (optional) assignments will be handed out during the semester. They will be in the form of 1-3 short questions asking for feedback or reactions to the topic in class that day. They will each be worth 5 points, for about 25 points possible extra credit for the semester. They will not be announced ahead of time, and cannot be made up if missed.

**Writing requirement:** Because this course satisfies one of your advanced general education requirements (area S), it requires a significant amount of writing. A total of 3500 words of writing (minimum) is required for credit in the class. Each exam involves at least 250 words of writing (750 words total). The short writing assignments will each be about one page in length (250 words each, 500 words total); the draft term paper should be at least 4 pages (1000 words); journal article summaries will be about one page (250 words) and the
final term paper should be 5-7 pages in length (1250-1750 words).

**Makeup policy, late papers, missed exams:**

**Papers** received at any time on the day they are due will count as on time. Late papers will be marked down 10% for each day they are late, including weekends. (For example, a paper worth 50 points will be docked 5 points for each day late; a paper worth 150 points will be docked 15 points for each day late.) You may email late papers at your own risk; emailed papers often get garbled in transmission or fail to arrive due to typographical errors in addressing. You will receive credit for emailed papers, like all other papers, only when they are received by the professor in the correct format (double-spaced, 1-inch margins, etc.). Papers may be emailed only as attachments, in Word or WordPerfect. Do not send papers as html documents, in compressed files, as email messages, or in other formats. If you need to turn in a paper late, you are strongly encouraged to use fax rather than email. If you turn in a late paper in person, have the person in the JS Department office date-stamp it, then put it in my mailbox. Papers slipped under my office door will count as received the day I get them, which may not be the day you submitted them; using my mailbox avoids this problem.

**In-class assignments** cannot be made up.

**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, because it is harder to remember the earlier material at the end of the semester than when we have just covered it in class; also, students taking makeups will not have an accurate estimate of their total points before taking the final exam. That is, if you make mistakes on Exam 1, you have the 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:**

First day of class: August 25
Labor Day holiday: September 6
Writing assignment 1 due: September 13
University deadline to drop classes: September 14
Term paper topic deadline: September 15
University deadline to add classes: September 21
Exam 1: September 22
Writing assignment 2 (in class): October 6
Finish reading book for term paper: October 22
Exam 2: November 1
Draft term paper due: November 8
Journal article information due: November 17
No class: November 24
Final term paper due: December 1
Last day of lecture: December 6
Review for final: December 6
Makeup exams: December 8
Final exam: December 16 (Thurs.), 12:15 PM

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. Introduction to course

Wednesday August 25: No reading assignment

WEEK 2. Understanding Racism, Sexism and Class Privilege

Monday August 30: Read for class R, Chs. 12, 14, 22, 106

Wednesday September 1: Read for class R, Chs. 61, 62, 66, 67, 78, 107
Short writing assignment handed out

WEEK 3. Understanding Inequality, continued; Recognizing Discrimination

Monday September 6: Labor Day Holiday - no class

Wednesday September 8: Read for class R, Chs. 15-21, 114

B. How are prejudice, discrimination and stratification experienced?

WEEK 4. Consequences of Inequality

Monday September 13: Read for class R, Chs. 24-26, 28, 31, 34, 43, 44, 81
Short writing assignment due

Wednesday September 15: Read for class R, Chs. 27, 35, 40-42, 63, 75, 77, 79, 80, 109
Deadline to select topic for final paper and notify instructor

WEEK 5. Review and Exam.

Monday September 20: Read for class R, Chs. 23, 32-33, 36, 60, 64-65, 74, 110, 118;
Review for Midterm #1

Wednesday September 22: Midterm Examination I - covers readings and discussions for weeks 1-5.
Bring scantron, #2 pencil and pen to class.

C. What are the economic aspects of American inequality?

WEEK 6. The Economics of Race, Class and Gender in the United States
Monday September 27: Read for class R, Chs. 38, 39, 46, 48-50, 52-57

Wednesday September 29: Read for class R, Chs. 47, 51, 112, 113, 123, 124

II. How did things get this way? How is inequality created and maintained?

A. The social construction of inequality

WEEK 7. Social Construction

Monday October 4: Read for class R, Chs. 1, 3, 4, 111

Wednesday October 6: Read for class R, Chs. 5, 6, 70, 71, and pp.85-93 of Ch. 8
In-class writing exercise

WEEK 8. Social construction; Racial Inequality and American Legal History

Monday October 11: Video: The Assault on Gay America

B. The role of law in recognizing or ignoring difference

Wednesday October 13: Read for class R, Chs. 83-86, 89-93 (skim ch. 93)

WEEK 9. Racial Inequality and American Legal History

Monday October 18: Read for class R, Chs. 96-98, 100-101

Wednesday October 20: Video: The Murder of Emmett Till

WEEK 10. Sex Inequality and American Legal History

Monday October 25: Read for class LT, Blackstone on Coverture, pp. 6-8; The Cult of True Womanhood, pp. 10-12; Appendices A, B, D, pp. 526-528, 530-531; Bradwell v. Illinois, Minor v. Happersett, pp. 28-32

Review for Mid-term #2

WEEK 11. Exam; Equal Protection

Monday November 1: Midterm Examination #2: covers readings and class discussions for weeks 6-10. Bring scantron, #2 pencil, and pen to class.

Wednesday November 3: Read for class LT, Introduction to Equal Protection, pp. 51-54 (skim); A

**WEEK 12.** Equal Protection; Title VII

Draft term paper due

Wednesday November 10: *Read for class LT*, Ch. 4, pp. 144-156, 160-165 (includes cases *Desantis, Brown & Root, Manhart, Hopkins, Lindahl* (skip *Texas Dept. of Community Affairs v. Burdine*)

**WEEK 13.** Title VII

Monday November 15: *Read for class Ch. 4*, pp. 167-179 (includes cases *Griggs, Dothard, Cheatwood, Diaz*)

Wednesday November 17: *Read for class LT*, Ch. 4, pp. 179-191 (includes cases *Dothard, Johnson, Controls, Torres, Backus*)
Journal article information due

**WEEK 14.** Family Law and Inequality within Families

Monday November 22: *Read for class LT*, Ch. 7, Pt. I, pp. 326-340, 345-353 (includes cases *McGuire, Glover, Kline, Kirchberg, Norman*); R, Ch. 72

Wednesday November 24: NO CLASS - Happy Thanksgiving!

**WEEK 15.** Family Law; Reproduction and the Law

Monday November 29: *Read for class LT*, Ch. 7, Pt. IV (includes cases *Marvin, Schuster, Braschi, Alison D., Baehr, Moore*), pp. 395-413

Wednesday December 1: *Read for class LT*, Ch. 8, pp. 414-447 (includes cases *Griswold, Carey, Roe, Casey*)
Revised final papers due

**WEEK 16.** Course conclusion; makeup exams

Monday December 6: *Read for class LT*, Ch. 8, pp. 447-469 (includes cases *Jhordan C., Davis, Baby M., A.C., Johnson*)
Review for final exam

Wednesday December 8: Makeup exams given. No lecture.
FINAL EXAMINATION:  December 16, 2004, 12:15 - 2:30 PM, SH 313
Bring scantron, #2 pencil, 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, sexual orientation, or other form of difference/inequality. 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. 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, A critical evaluation, does not mean Acritical® 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, Acritical® means objective, dispassionate analysis, not just fault-finding.

To aid your analysis of the book, you must utilize at least two scholarly (peer-reviewed) 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 SJSU 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 Academic® 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 140 points. Coverage of the issues listed below is worth 100 points total, as indicated; finding, citing, and attaching two journal articles is worth 30 points total (15 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 (10 points)
(2) examples/experiences of institutional or systemic discrimination or injustice (10 points)
(3) relationships between members of dominant and subordinate groups (10 points)
(4) impact of oppression or inequality on the life (lives) of the main character(s), including
   (A) material impact (economic loss, denied opportunities, health consequences, etc.) (10 points),
   and
   (B) symbolic impact (effect on ideology or politics, belief system, self-confidence, autonomy, etc.)
   (10 points)
(5) how the main character(s) respond to discrimination or injustice (10 points)
(6) role of law in the characters' experience of injustice or response to injustice (10 points)
(7) how the book fits in with the themes and issues discussed in our class meetings and/or in assigned readings (cite relevant readings) (10 points)
(8) your personal reaction to the author's story and style of writing (10 points)
(9) what you learned from the book (10 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 1. 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 15, you will inform me what book you have selected, and will begin reading it.

- You should finish reading the book by October 22, at the latest.

- On November 8, you will turn in a draft of your paper, about 4 pages (typed, double-spaced), answering the first six term paper questions above. It will be returned to you with comments, questions and suggested revisions, and graded on a 60-point scale. Save this for use in your final paper.

- On November 17, you will turn in a sheet of paper with the title, author, and source for each of your 2 journal articles, typed and double-spaced, 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. If done correctly this assignment will earn 20 points (separate from the grading of the final draft of the term paper).

- On December 1, 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 wrongfully 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)

James S. Hirsch, Hurricane: The Miraculous Journey of Rubin Carter

Ann Hopkins, So Ordered: Making Partner the Hard Way (Hopkins’ account of suing Price Waterhouse for sex discrimination)

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)


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)

Catherine MacKinley, *The Book of Sarahs: A Family in Parts* (memoir of biracial adoptee's search for her birth parents)

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 Petiway, *Honey, Honey, Miss Thang: Being Black, Gay, and On the Streets*

Leon Petiway, *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)