

Administration of Justice 132, Section 02
Spring Semester 2001

**Women, Minorities and the Law
Course Syllabus**

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

Office Hours: Tues., 10:30-12:00, 2:30-4:30
Thurs. 10:30-12:00
Or by appointment

Class Meeting Times: Tuesday & Thursday, 12:00 noon - 1:15 p.m.
MacQuarrie Hall 526

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 these (and other) forms of inequality as they pertain to 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 (sub)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., the family, education, employment, and criminal justice, and how these inequalities and 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. Gain greater verbal skills and improve abilities to communicate with people of different backgrounds and identities.

Required Texts:

1. Margaret L. Andersen & Patricia Hill Collins, eds., *Race, Class and Gender: An Anthology*, 4th edition (Belmont, CA: Wadsworth, 2001).
2. J. Ralph Lindgren & Nadine Taub, *The Law of Sex Discrimination*, 2d edition (Eagan, MN: West Publishing, 1993).

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 will cover both class discussions and reading assignments. 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 attend class regularly. Students will be excused from class for legitimate medical reasons and for university-related engagements (e.g., athletics). Whenever possible, if you must miss class please inform the instructor ahead of time.

Your grade will be based on three exams, two short writing assignments, and a term paper. Your grade will be calculated as follows:

Exams: 600 points

Midterm I: 200 points

Midterm II: 200 points

Final: 200 points

Writing Assignments: 400 points

Short paper 1: 100 points

Short paper 2: 100 points

Term Paper: 200 points

Class Participation: 100 points
1,100 points

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).

Exams are closed-book, closed-note. Exams will include short-answer questions and one essay question, and may include some multiple-choice questions. The exam format will be reviewed before each test.

Because this course satisfies one of your 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). Writing assignments 1 and 2 will be about 2 pages in length (500 words each, 1000 words total); your term paper should be 7-10 pages in length (1750 words minimum).

Your two short writing assignments will be handed out in class, and you will be given a week to complete them. They will not require library research. The term paper will be on a topic you select, and will involve some library research. You will receive a handout for the term paper to

help you select a topic, use the right format, and know the grading procedures.

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.

Late papers and missed exams:

Papers: papers will be marked down **10 points** for each **day** they are late. Papers more than two weeks late will not be accepted.

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 it is your responsibility to notify the professor that you intend to take a make-up exam.

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

Important Dates in Course:

Thursday, February 15: Writing Assignment 1 due

Tuesday, March 6: Midterm 1

Thursday, March 15: Deadline for Notification of Term Paper topic

Thursday, March 22: Writing Assignment 2 due

Thursday, April 12: Midterm 2

Thursday, May 10: Term Papers due

Tuesday, May 15: Exam Make-ups

Monday, May 21: Final Exam

Course Outline, Reading Assignments, and Exams

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

A. *What is prejudice, discrimination, stratification? How do we recognize them?*

Week 1. Thursday January 25: Introduction to course.

No reading assignment

Week 2. Tuesday January 30: Understanding Racism, Sexism and Class Privilege

Read for class: Andersen/Collins introduction, pp. 1-10 and readings 10, 11, 13, 16

Thursday February 1: Understanding Racism, Sexism & Class Privilege, cont'd.

Read for class: Andersen/Collins readings 19-21, 24, 37

Week 3. Tuesday February 6: Understanding Racism, Sexism & Class Privilege, cont'd.

Read for class: Andersen/Collins readings 8, 36

Thursday February 8: Who gets Excluded from Everyday Consideration?

Writing Assignment 1 handed out

Read for class: Andersen/Collins pp. 13-21 and readings 1-4, 51

Week 4. Tuesday February 13: Exclusions, cont'd.

Read for class: Andersen/Collins readings 5-6, 30, 33, 48

B. *How are prejudice, discrimination and stratification experienced?*

Thursday February 15: Experiencing Inequality - Race and Ethnicity

Writing Assignment 1 due in class

Read for class: Andersen/Collins readings 9, 12, 17, 22, 50, 52

Week 5. Tuesday February 20: Experiencing Inequality - Race and Ethnicity, cont'd.

Read for class: Andersen/Collins readings 27, 35, 47, 49, 57

Thursday February 22: Experiencing Inequality - Class and Economics

Read for class: Andersen/Collins readings 14, 15, 25, 29, 44, 45

Week 6. Tuesday February 27: Experiencing Inequality - Gender

Read for class: Andersen/Collins readings 18, 23, 34, 38, 41, 58

Thursday March 1: Experiencing Inequality - Sexuality

Read for class: Andersen/Collins readings 53-56

Week 7. Tuesday March 6: MIDTERM EXAM 1

Covers readings and class discussions for weeks 1-6. Bring bluebook & pen to class.

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

A. The social construction of inequality

Thursday March 8: Inequality and American History

Read for class: Andersen/Collins readings 26, 28, 31

Week 8. Tuesday March 13: American History and the Social Construction of Inequality

Read for Class: Andersen Collins readings 32, 39, 40, 42

B. *The role of law*

Thursday March 15: Inequality and American Legal History

Deadline to notify professor of term paper topic

Writing Assignment 2 handed out

Read for class: Lindgren & Taub: 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
The Early Feminist Challenge, pp. 21-36
Justifying Differential Treatment pp. 38-47 (skip intro &
Brandeis brief)
The Turn of the Tide, pp. 47-50

Week 9. Tuesday March 20: Equality and the U.S. Constitution - Introduction

Read for class: Lindgren & Taub: 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
Setting the Standard, *Craig v. Boren*, *Orr v. Orr*, pp. 68-72
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

Thursday March 22: Inequality in the Workplace

Writing Assignment 2 due in class

Read for class: Lindgren & Taub: Chapter 4, Parts I and II, pp. 144-156, 160-173 (skip *Texas Dept. of Community Affairs v. Burdine*)

Spring Break, March 26-March 30: no reading assignment

Week 10. Tuesday April 3: Inequality in the Workplace, cont'd.

Read for class: Lindgren & Taub: Chapter 4, Part III, pp. 173-191

Thursday April 5: Inequality in the Workplace, cont'd

Read for class: Lindgren & Taub: Chapter 5, Part I, pp. 201-221 (skip *Techniques for Preventing Sexual Harassment*)
Pay Equity, The Earnings Gap, The Equal Pay Act, pp. 224-228
Occupational Segregation, Telling Stories, pp. 235-241

Week 11. Tuesday April 10: Inequality in Education

Read for class: Lindgren & Taub: Women's Education, The Classroom Climate, pp. 264-272
Title IX, pp. 276-279
Garrett v. Bd. Of Educ. of Detroit, pp. 292-295
Commonwlth Pa., Packer v. PIAA, Clark v. Ariz., pp. 303-307
Chapter 6, Part IV, pp. 314-319 (skip *UMW Post v. Regents*)
Andersen/Collins reading 43

Thursday April 12: MIDTERM EXAM 2

Covers readings & class discussions for weeks 7-11. Bring bluebook & pen to class.

Week 12. Tuesday April 17: Inequality within the Family

Read for class: Lindgren & Taub: Ch. 7, Pt. I, thru Contemporary Marriage Models, pp. 326-340
Intimate Violence, pp. 345-346
When a Woman's Home is Not Her Castle, pp. 346-350
State of North Carolina v. Norman, pp. 350-353
Ch. 7, Pt. III, pp. 380-393 (skip Child Support Manual for Legal Services)

Thursday April 19: Non-traditional Relationships and the Law

Read for class: Lindgren & Taub: Ch. 7, Pt. IV, pp. 395-413
Family Medical Leave Act of 1993, p. 379
Does It Still Make Sense to Talk About Women?, pp. 126-127

Week 13. Tuesday April 24: Reproduction and the Law

Read for class: Lindgren & Taub: Ch. 8, Pt. I, pp. 414-440

Thursday April 26: Reproduction and the Law, cont'd.

Read for class: Lindgren & Taub: Ch. 8, Pt. II, pp. 440-469

C. Maintaining hierarchies: inequality and social control

Week 14. Tuesday May 1: Violence, Criminal Law, and Social Control

Read for class: Andersen/Collins readings 46, 59-63

Thursday May 3: Violence, Criminal Law, and Social Control, cont'd.

Read for class: Lindgren & Taub: Ch. 9, Pt. I, pp. 470-477

Rape, The Law and Its Impact on Women, The Origins of the Law of Rape, pp. 477-479

Rape and the Accuser, *People v. Rincon-Pineda*, *People v. Liberta*, *State v. Lederer*, pp. 486-495

Questions & Answers on the Civil Rts Remedy, Violence

Against Women: Forging a Legal Response, pp. 502-508

Week 15. Tuesday May 8: Sexuality, Law and Social Control

Read for class: Lindgren & Taub: Ch. 9, Pt. III, pp. 508-517 (skip Sex Wars)

III. The future of difference: attempted remedies and proposals for change

Thursday May 10: Strategies for Change

Term Papers due in class.

Read for class: Andersen/Collins readings 64-69

Week 16. Tuesday May 15: Last day of class. EXAM MAKE-UPS.

FINAL EXAMINATION: Monday, May 21, 2001, 9:45-noon, MH 526 - Bring pen, bluebooks.

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.