

Administration of Justice 132, Section 02  
Spring Semester 2002  
FA02

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

**Professor:** Ann Lucas, J.D., Ph.D.  
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**Office Hours:** Tues.-Thurs. 9:30-10:30 a.m. and  
12:00-1:30 p.m.  
Or by appointment

**Class Meeting Times:** Tues.-Thurs. 1:30-2:45 p.m.  
MacQuarrie Hall 523

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 equal 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. Paula S. Rothenberg, *Race, Class, and Gender in the United States: An Integrated Study*, 5<sup>th</sup> edition (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 lectures 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 four writing assignments (3 short papers and one longer paper), three exams, and class participation. Your grade will be calculated as follows:

Exams: 200 points each x 3 exams =	600 points
Writing Assignments 1-3: 100 points each x 3 =	300 points
Writing Assignment 4: 200 points	200 points
Class Participation: 100 points	<u>100 points</u>
	1,200 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).

Note on class participation and extra credit: Points for class participation are given for your contribution to class discussions (questions, comments, criticisms, etc.), and *not* simply for attendance. Class participation points will also be given to students who volunteer to discuss (briefly) the issue they wrote about in any of the first 3 writing assignments (25 points per presentation). In addition, extra credit assignments may be handed out during the semester. All extra credit is (obviously) optional. However, points earned on extra credit will be added to total points before the curve is established, i.e., students doing extra credit may raise the class curve.

Exams are closed-book, closed-note. Exams will include short-answer questions (about 10) and one essay question. The essay question on the final exam may be comprehensive. A review will be given before each exam.

If you miss the midterm, the make-up will be given on the last day of class, Tuesday, May 14.

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 1-3 will be about 2 pages in length (500 words each, 1500 words total); your term paper should be 5-7 pages in length (1250 words minimum).

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 (including weekends). Papers more than ten days late will not be accepted. When submitting late papers, be sure to have the AJ Department receptionist mark the date it was received; you may also fax or email your paper if it is late.

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:

- February 5: Writing assignment 1 given
- February 11: Drop Deadline (all courses)
- February 18: Add Deadline; Late registration deadline (all courses)
- February 21: Midterm I
- March 5: Writing assignment 2 given
- March 19: Deadline to select topic for final paper & notify instructor
- April 4: Midterm II
- April 16: Writing Assignment 3 given
- May 9: Last day of Lecture/Discussion; final papers due
- May 14: Makeup Exam Day
- May 16: Dead Day
- May 22: Final Exam

## Course Outline, Reading Assignments, and Exams

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

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

Week 1. Thursday January 24: Introduction to course  
*No reading assignment*

Week 2. Understanding Racism, Sexism and Class Privilege

Tuesday January 29: *Read for class* Rothenberg, Part III, Reading 1, pp. 186-196  
Part V, Reading 1, pp. 324-335  
Part II, Readings 1-2, pp. 100-118

Thursday January 31: *Read for class* Rothenberg, Part II, Readings 3-5, 8, pp. 119-138, 152-163

Week 3. Understanding Racism, Sexism and Class Privilege; Recognizing Forms of Discrimination in Everyday Life

Tuesday February 5: *Read for class* Rothenberg, Part II, Readings 9-10, pp. 163-182,  
Part V, Reading 19, pp. 410-420

Writing Assignment 1 handed out

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

Thursday February 7: *Read for class* Rothenberg, Part III, Readings 3-7, 10-12, 15, 18-20, 24, pp. 199-210, 216-222, 231-232, 238-242, 251-252

Week 4. Consequences of Inequality

Tuesday February 12: *Read for class* Rothenberg, Part V, Readings 3-8, 10-13, pp. 343-366, 373-388

Thursday February 14: *Read for class* Rothenberg, Part V, Readings 15, 18, 20, pp. 393-397, 403-409, 420-424

**Week 5. Review and Exam.**

Tuesday February 19: Review for 1<sup>st</sup> Midterm Examination

**Thursday February 21: Midterm Examination I** - covers readings and discussions for weeks 1-4. Bring bluebook 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.

Tuesday February 26: *Read for class* Rothenberg, Part IV, Readings 1, 3-6,  
pp. 257-267, 273-292

Thursday February 28: *Read for class* Rothenberg, Part IV, Readings 7-9, pp. 292-318

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

**A. The social construction of inequality**

Week 7. The Social Construction of Difference; the Role of Law.

Tuesday March 5: *Read for class* Rothenberg, Part I, Introduction and Readings 1, 4, 6,  
10-11, pp. 5-20, 45-46, 57-59, 80-92

Writing Assignment 2 handed out

**B. The role of law in recognizing or ignoring difference**

Thursday March 7: *Read for class* Rothenberg, Part IV, Introduction and Readings 1-4,  
7-11, pp. 427-448, 457-474

Week 8. Inequality and American Legal History, cont'd.

Tuesday March 12: *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. 21-23, 25-36  
(skip Declaration of Sentiments here -  
covered in Rothenberg, below)  
Rothenberg, Part VI, Readings 5-6, pp. 448-457

Thursday March 14: *Read for class* Rothenberg, Part VI, Readings 14-19, pp. 477-492  
Lindgren & Taub, Justifying Differential Treatment,  
pp. 38-47 (skip intro & Brandeis brief)  
The Turn of the Tide, pp. 47-50

Week 9. Equality, the United States Constitution, and Title VII

Tuesday March 19: *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

Deadline to select topic for final paper and notify instructor

Thursday March 21: *Read for class Lindgren & Taub*, Chapter 4, Parts I and II, pp. 144-156, 160-173 (skip *Texas Dept. of Community Affairs v. Burdine*)

March 25- March 29: Spring Break  
*No reading assignment*

**Week 10. Review and Exam.**

Tuesday April 2: Review for 2<sup>nd</sup> Midterm Examination.

**Thursday April 4: Midterm Examination II** - covers readings and discussions for weeks 6-9. Bring a bluebook and pen to class.

Week 11. American Law and Workplace Inequality.

Tuesday April 9: *Read for class Lindgren & Taub*, Chapter 4, Part III, pp. 173-191

Thursday April 11: *Read for class Lindgren & Taub*, Ch. 5, Pt. 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 12. Family Law and Inequality within the Family.

Tuesday April 16: *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)

Writing Assignment 3 handed out

Thursday April 18: *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  
Rothenberg, Part VI, Readings 22-23, pp. 494-505

Week 13. Reproduction and the Law.

Tuesday April 23: *Read for class* Lindgren & Taub, Chapter 8, Part I, pp. 414-440

Thursday April 25: *Read for class* Lindgren & Taub, Chapter 8, Part II, pp. 440-469

**C. Violence, Criminal Law, and Social Control.**

Week 14. The Use of Social Control to Maintain Hierarchies.

Tuesday April 30: *Read for class* Rothenberg, Part VII, Introduction and Readings 1, 3-5,  
pp. 507-517, 524-549

Thursday May 2: *Read for class* Rothenberg, Part VII, Reading 6, pp. 549-556  
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. Social Control; the Use of Law to Redress Discrimination; Course Conclusion and Review.

Tuesday May 7: *Read for class* Rothenberg, Part VII, Readings 7-10, pp. 556-581  
Part I, Reading 2, pp. 21-30

Thursday May 9: *Read for class* Rothenberg, Part II, Reading 7, pp. 143-152  
Part III, Readings 2, 8, 13, 17, 21-23,  
pp. 197-199, 211-213, 223-227, 234-238, 243-250

Final Papers (writing assignment 4) due

Week 16. Tuesday May 14: **Makeup Exams Given. No lecture.**

**FINAL EXAMINATION: Wednesday, May 22, 2002, 12:15-2:30 p.m., MH 523**  
**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.

Writing Assignment 4 - Final Paper  
Guidelines

Your final paper assignment is to write a 5-7 page paper about a current issue involving discrimination or inequality which appears in the news this semester (on or after January 23, 2002). Examples might be the treatment of Muslims or Arabs in the U.S. as a result of the "war on terrorism," racial profiling/"DWB," the treatment of undocumented immigrants, consumer racism, sexual harassment, etc. Try to select a subject or situation that interests you and relates to the course in some way. You may look for topics on network or local news, "60 Minutes" and similar shows, and local or national newspapers (including the *Spartan Daily*) and news magazines. Because a lot of what appears on the internet is not reliable, you **may not write about something discussed only on a website**. When you turn in your final paper, you will be required to turn in an article from a newspaper or magazine about your subject. The date of the article must be from this semester. Thus, while you may identify your topic from television sources, eventually you will have to find a print article about it.

In your paper, (1) briefly discuss the incident/event/issue and (2) explain how it raises questions of inequality or discrimination. Then, (3) link this issue to subjects we've discussed in class and the assigned readings. In other words, how does your issue relate to our course? Is stereotyping or discrimination involved? Do you see evidence of the "social construction" of race, class, gender, etc.? Are the people involved seeking a legal remedy? How has the event/experience affected the people involved, materially (economic loss, denied opportunities, health consequences, etc.) and/or symbolically (effect on ideology or politics, belief system, self-confidence, autonomy, etc.)? How is the story reported - is there evidence of stereotyping or bias in the media itself? Finally, (4) discuss the social significance of this issue, (5) your personal feelings about it, and (6) what you feel should happen or will happen regarding this issue, or what changes would prevent/reduce this problem in the future.

To aid your analysis of the issue, you must find, read and cite at least *two scholarly journal articles* in your paper. This requires *going to the library* to research and photocopy 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 you may not substitute course materials for journal articles. 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 "scholarly" or not, ask the professor. **Papers will be penalized if they fail to use scholarly articles to support the analysis.**

Grading: Final papers can earn a maximum of 200 points. Points will be awarded as described below.

Brief summary of the issue	15 points
Explanation of how issue raises questions of inequality/discrimination	15 points
How issue relates to course	45 points
Social significance	25 points
Your personal feelings about this issue	15 points
Evaluation - what should or will happen, or what would improve situation	15 points
Appropriate use of 2 journal articles (20 points each)	40 points
Writing clarity/lack of typographical errors	15 points
“Works cited” in APA format	15 points

Your paper will be graded based on whether, and how well, you explain or analyze each of these topics and whether you satisfactorily meet the technical requirements.

Papers are due on May 9. At their option, students may turn in a draft of the term paper by April 16 to get comments from the professor before the final paper is due. There will be no extensions on the draft due date. **Papers must be typed and double-spaced, with one-inch margins and a 12-point font; they should be 5 to 7 pages in length. Papers must include a “works cited” page; textual and full citations should follow APA format. Be sure to include a copy of a current (this semester) news/magazine article (not web story) about the issue you are analyzing.**