

WOMEN, MINORITIES AND THE LAW

Instructor: Richard Perry, J.D., Ph.D.

Office: 521 MacQuarrie Hall

Phone: (408) 924-TBA ; email ryperry@uci.edu (New email address shortly)

Fax (408) 924-2953

Office Hours: Friday 12:00-1:00

Other times by appointment

COURSE DESCRIPTION

History of legal issues and definitions of individual and institutional discrimination. Laws relating to women, ethnic and cultural minorities, gays and lesbians and the disabled in education, labor market, criminal justice system and family relations. Recent court decisions on affirmative action and reverse discrimination. Solutions explored for structured equality and inequality in the U.S.

N.B.1: This syllabus has been prepared with the invaluable assistance of Ann Lucas and Dorian Dreyfuss, and is based upon their earlier course offerings. It has been adapted for a twelve-week summer schedule.

N.B.2: Students should anticipate that, as this course progresses, there will be announcements of minor variations from this syllabus in the order of readings, dates, or other specifics.

COURSE OBJECTIVES

AT THE TIME OF THE FINAL EXAM STUDENTS SHOULD BE ABLE TO:

1. Define concepts of different cultural/social identities and theories of prejudice and discrimination from a multidisciplinary and multicultural perspective.
2. Describe the legal history and current legal context of minority group and gender discrimination.
3. Identify the structural sources of inequality and equality in major societal institutions; family, education, labor market, criminal justice, and religion, and how these inequalities and equalities are reflected in the law.
4. Analyze case law and constitutional guidelines in reviewing claims of discrimination by women and men, by racial/ethnic and religious minority groups, by the aged, the disabled, and by persons of different sexual orientation.
5. Analyze competing legal rights of men and women in domestic relations including marriage, reproduction, adoption, child custody and divorce.
6. Analyze legal and social developments in issues relating to sexual harassment, hate crimes, and affirmative action/reverse discrimination.
7. Identify social and political movements offering solutions to structured inequality between people of different race, ethnicity, gender, class, religion, age, sexual orientation and ability.

8. Recognize your own and others' attitudes towards racism, sexism and discrimination of all groups.
9. Recognize and appreciate constructive interactions between people from different cultural and social groups and identities in the U.S.
10. Gain greater competence in research and writing skills.
11. Gain greater verbal articulation skills, and ability to communicate with people of different background and identities.

REQUIRED TEXTS

Rothenberg, Paula (2001). *Race, Class and Gender in the United States*, NY: Worth Publishing, 5th edition

Lindgren & Taub(1993). *Law of Sex Discrimination*. Minneapolis, MN: West Publishing.

CLASS REQUIREMENTS

Three exams are required; two midterms and final administered in class during the final examination period. A total of 3500 words of writing is required for credit in the class. Each exam will consist of both essay (approximately 500-600 words) and short answer questions. A research paper 8-10 pages in length (2000-2500) words is also required for a total of 3500 or more words. A handout on the paper will be provided outlining topics, research requirements, format, outlines, due date and grading procedures. We will conduct a library tour outside class time if necessary. The instructor will provide feedback on research paper drafts that are submitted at least two weeks before paper due date. Additionally, two in class structured written assignments are required. They will be based on videos, and review of major concepts of equality and inequality. Small-group discussions based on the Rothenberg readings will be spaced every couple of weeks. Participation in the group will be evaluated by the instructor and points distributed.

ATTENDANCE AND PARTICIPATION

Regular class attendance is expected. Outstanding class participation may result in the improvement of the final grade by as much as 1/2 grade point. Assigned readings must be completed prior to the class meeting to promote understanding and informed class discussion. Students must bring the appropriate text-- Rothenberg if small group discussions; Lindgren if case law discussion. Check the greensheet to ensure you are prepared. If you are absent, you must rely on classmates for notes. Do not ask the instructor for notes. Missed exams and in-class assignments may only be made up for compelling reasons, at the discretion of the instructor. The instructor should be given prior notice of absence.

EVALUATION

Midterm #1	25% includes in-class writing assignment #1
Midterm #2	25% includes in-class writing assignment #2
Final	25%
Research Paper	25%

Exams and papers will receive a letter grade.

COURSE SCHEDULE

- WEEKS 1 & 2** **I INTRODUCTION: A MULTIDISCIPLINARY APPROACH**
- A. Concepts of identity, race, gender, ethnicity, class. Readings: Rothenberg: intro.pgs.5-10,Part.I articles 1, 3,7, Part II articles 2,3,4, Part III articles 1,2,4,7,8,11,16.
 - B. Hate Crimes; video *Shadow of Hate*; Class notes only.
 - C. Discrimination and the law, historical context: Rothenberg: Part V article 1; Lindgren: cp. 2- pg. 51-90.
 - D. **Small group discussion on Rothenberg readings.**
- WEEK 3** **II HISTORICAL CONTEXT OF DISCRIMINATION**
- A. Native Americans under US Law; Readings: Rothenberg; Part VI, articles 1, 15.
 - B. **Video: *Ishi*, in-class writing assignment.**
- WEEK 4** C. African-Americans under US Law; Readings: Rothenberg: Part VI, articles 2,3,4,8,9,10,11,16,19, **caselaw handout.**
- D. Eyes on the Prize, Vol 2, Desegregation; *Brown v Board of Education* (1954).
 - E. **PAPER TOPICS DUE FOR INSTRUCTOR'S APPROVAL**
- WEEK 5** F. Latinos under US Law; Readings: Rothenberg: Part V, article 6,7, 8.
- G. Asian-Americans under US Law; Rothenberg: Part V, articles 2,3,4 Part VI, article 18; Video *Japanese Internment*, in-class writing assignment. **FIRST MIDTERM EXAM. BRING BLUEBOOK.**
- WEEK 6** ***SPECIAL INDEPENDENCE DAY ASSIGNMENT: Independence for Whom? The Contested Meanings of Independence* (to be discussed in class during Week 5).**
- WEEK 7** H. Religious Minorities; Review Hate Crimes: Mormons, Jehovah Witnesses, Amish, Native Religions; Readings: class notes; see Rothenberg pp. 112-113, 438-439, reserve readings, in-class tape of *Yoder v. Wisconsin* Sup. Ct. debate. **FIRST DRAFTS OF RESEARCH PAPER.**
- WEEK 8** **III STRUCTURED EQUALITY AND INEQUALITY**
- A. Gender Discrimination/Patriarchal tradition; Legal discrimination; Readings: Lindgren & Taub Ch. 1; stop on page 35, Rothenberg: Part II, article 5; Small group discussion.

- B. Education/Title 9, Lindgren & Taub: Ch. 6 pg.276-292.
- C. Labor Market, Readings: Lindgren & Taub Ch. 4 cases only; Rothenberg: Part IV, articles 2, 6
- D. Sex Harassment; Reading: Lindgren & Taub Ch. 5 pg. 201-222; Ch. 6 pg. 314-322.

WEEK 9

- E. Family Law and Inequality within the Family; 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)
 - F. 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
 - G. Reproduction and the Law: Lindgren & Taub, Chapter 8, Part I, pp. 414-440; Lindgren & Taub, Chapter 8, Part II, pp. 440-469.
- IN-CLASS WRITING ASSIGNMENT, 2ND MIDTERM.**

WEEK 10

IV. VIOLENCE, CRIMINAL LAW, AND SOCIAL CONTROL.

- A. The Use of Social Control to Maintain Hierarchies: Rothenberg, Part VII, Introduction and Readings 1, 3-5, pp. 507-517, 524-549
- B. Gender and Violence: Rothenberg, Part VII, Reading 6, pp. 549-556; Lindgren & Taub, Ch. 9, Pt. I, pp. 470-477; 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 11

V. INTERSECTIONALITY, LAW AND SOCIAL CONTROL

- A. The Use of Law to Redress Discrimination; Reserve reading; Rothenberg, Part VII, Readings 7-10, pp. 556-581; Part I, Reading 2, pp. 21-30; 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 DUE.**
COURSE REVIEW.

WEEK 12

COURSE CONCLUSION AND FINAL EXAM