

FALL 2003

AJ 132 sect. 2, MH 423

WOMEN, MINORITIES AND THE LAW
(Advanced GE Course, Area S)

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Office Hours: Tuesday/Thursday 10:00 – 11:30; Tuesday afternoons 3:00 – 5:00

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.

Note 1: This syllabus has been prepared with the kind assistance of Prof. Ann Lucas. 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. Students should expect supplemental reading assignments.

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 one's 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

1. Rosenblum, Karen and Toni-Michelle Travis (2003). *The Meaning of Difference: American Constructions of Race, Sex and Gender, Social Class, and Sexual Orientation*, 3rd edition. NY: McGraw-Hill. Note: this book has an internet resource site, www.mhhe.com/raceclassgender.
2. Lindgren, J. Ralph and Nadine Taub (1993). *Law of Sex Discrimination*. Minneapolis: West Publishing.

CLASS REQUIREMENTS

Because this is an advanced GE course, a total of 3500 words of writing is required for credit in the class. Three exams are required; two midterms and final administered in class during the final examination period. Each exam will consist of essay and/or 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, APA format, outlines, due date and grading procedures. The professor will provide feedback on research paper drafts that are submitted at least two weeks before the term paper's due date. Small-group discussions will be scheduled every couple of weeks and participation in the group will be evaluated by the instructor.

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 textbook to class. 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

WEEK 1, August 26 & 28: Introduction

Concepts of social identity, race and ethnicity. Readings: R&T pp. 2-37, 38-97.

WEEKS 2 & 3, September 2, 4, 9, 11: On the Foundations of U.S. Ethno-Racial Categories in Colonial History

Native Americans under US Law; Readings: R&T 60-73, 487-492; Video: *Ishi*.
Notions of equality in U.S. legal thought and Foundational Cases and Statutes, R&T 308-351.

WEEKS 4 & 5, Sept. 16, 18, 23, 25: On the "Black-White Model" – Constructing Whiteness and Blackness in U.S. Law

Seeing Whiteness: R&T pp. 92-98, 176-202, 254-279, 300-305; 398-410; video Eyes on the Prize

African-Americans under US Law: R&T pp. 38-46, 436-441
On "racial privacy," etc. – supplementary readings.

WEEKS 6 & 7, Sept. 30, Oct. 2: Beyond the "Black-White Model" – Nativisms and Diasporas
Latinos under US Law: R&T pp. 73-80, 233-242, 410-219, supplementary readings.
Asian-Americans under US Law: R&T 81-90, 222-232, 455-464, supplementary readings.

WEEK 8, Oct. 7: FIRST MIDTERM EXAM – A Written Response to Richard Rodriguez' *Brown: The Last Discovery of America* (2002).

WEEKS 8 & 9, Oct. 7,9,14,16: HOW ARE ETHNIC/RACIAL INEQUITIES SIMILAR TO OR DIFFERENT FROM INEQUITIES OF GENDER AND SEXUALITY? (Some Arguments within and between Law and the Social Sciences)

Gender Discrimination and Patriarchal tradition; Legal discrimination; Readings: R&T pp.98-108, 117-134, 441-449. Lindgren & Taub Ch. 1; stop on page 35, Small group discussion.
In Education/Title 9, Lindgren & Taub: Ch. 6 pg.276-292.
In Labor Markets, Readings: Lindgren & Taub Ch. 4 cases only; R&T 420-431.
In re Sexual Harassment; Reading: Lindgren & Taub Ch. 5 pg. 201-222; Ch. 6 pg. 314-322.

WEEK 10, Oct. 21: SUBMIT RESEARCH PAPER TOPIC, OUTLINE, and LIST of SOURCES.

WEEKS 10 & 11, Oct. 21,23,28,30: INTIMACY, DOMESTICITY, VIOLENCE AND FAMILY LAW
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), 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. Reproduction and the Law: Lindgren & Taub, Chapter 8, Part I, pp. 414-440; Lindgren & Taub, Chapter 8, Part II, pp. 440-469.

WEEKS 12 & 13, Nov. 4,6, 11,13: ON VIOLENCE, THE CRIMINAL LAW, AND SOCIAL CONTROL.
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 14, Nov. 17 (either video or no class on Thurs. Nov. 19) and Nov. 25: ON INTERSECTIONALITY, LAW, AND SOCIAL IDENTITIES
The Use of Law to Redress Discrimination; Reserve reading; pp. 197-199, 211-213, 223-227, 234-238, 243-250.

WEEK 14, Nov. 25, SECOND MIDTERM EXAM DUE

WEEK 15 & 16, Dec. 2, 4, 9: COURSE CONCLUSION AND FINAL PAPERS DUE, REVIEW.
Supplementary Readings and Term Paper Feedback

Friday December 12: Final Exam 12:15 – 2:30