

Administration of Justice 132, Spring Semester 2003

**Women, Minorities and the Law (Advanced GE, Area S)
Course Syllabus**

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Office Hours: Tues., Thurs. 9:30-10:30 a.m.
Tues. 2:00-5:00 p.m.

Class Meeting Times: Tuesday, 5:30-8:15 p.m.
MacQuarrie Hall 520

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*, 5th 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: 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.

Exams cover assigned readings and material covered in class, including videos. A review will be given before each exam. 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.

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.

Papers: You will be writing two short (2 page) papers during the semester which are “reflection pieces” designed to help you apply the class material to real life. These may require talking to other students or family members, or watching a television program or movie, but will require no library research. You will *also* be writing a term paper on a topic related to the course, which *will* require some research. You will turn in a draft of this paper, which will be graded, 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 papers, a draft term paper, and a final term paper), three exams, and class participation. Your grade will be calculated as follows:

Exams: 200 points each x 3 exams =	600 points
Short Writing Assignments: 100 points each x 2 =	200 points
Draft of Term Paper:	100 points
Final Term Paper:	200 points
Class Participation:	<u>25 points</u>
	1,125 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).

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.), and *not* simply for attendance.

Extra credit: Extra credit assignments may be handed out during the semester. However, extra credit will *not* be sufficient to make up for (replace) a missed writing assignment; if you slack off during the semester, you cannot rescue your grade with extra credit. In other words, it is

essential to keep up with readings, lectures and assignments, and not to miss exams (as makeup exams are more difficult).

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). Writing assignments 1-2 will be about 2 pages in length (500 words each, 1000 words total); the draft term paper should be at least 3 pages, and the final term paper should be 5-7 pages in length (1750 words minimum).

Late papers and missed exams:

Papers: Papers received at any time on the day they are due will count as “on time.” Late papers will be marked down **10 points** for each **day** they are late, including weekends. Papers more than ten days late will receive 0 points. You may use email for 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. When 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, be sure to have the person at the AJ Department desk date-stamp the day it was received, 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 - thus using my mailbox is a better option.

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, for several reasons: it is harder to remember the earlier material at the end of the semester than when we have just covered it in class; students taking makeups will not have an accurate estimate of their total points before taking the final exam. In other words, if you make some mistakes on the first exam, you have the whole 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:

January 28 - First day of class
February 10 - Drop Deadline
February 11 - First writing assignment given (due in one week)
February 17 - Late Registration Deadline; Add Deadline
February 25 - First midterm exam
March 4 - Deadline to select topic for final paper
March 4 - Second writing assignment given (due in one week)
April 8 - Second midterm exam
April 15 - Third writing assignment (draft of final paper) *due*
May 6 - Term papers due
May 13 - Makeup exam day
May 20 - Final Exam

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

Tuesday January 28: *No reading assignment*

Week 2. Understanding Racism, Sexism and Class Privilege

Tuesday February 4: *Read for class* Rothenberg, Part III, Reading 1, pp. 186-196
Part V, Reading 1, pp. 324-335
Part II, Readings 1-6, 8,
pp. 100-143, 152-163

B. How are prejudice, discrimination and stratification experienced?

Week 3. Understanding Inequality, continued; Recognizing Discrimination

Tuesday February 11: *Read for class* Rothenberg, Part II, Readings 9-10, pp. 163-182,
Part V, Reading 19, pp. 410-420
Part III, Readings 3-7, 10-12, 15,
18-20, 24, pp. 199-210, 216-
222, 231-232, 238-242, 251-
252

Writing Assignment #1 handed out

Week 4. Consequences of Inequality

Tuesday February 18: *Read for class* Rothenberg, Part V, Readings 3-8, 10-13, 15, 18, 20, pp. 343-366, 373-388, 393-397, 403-409, 420-424

Video

Review Sheet for Exam #1 handed out

Week 5. Exam.

Tuesday February 25: 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 March 4: *Read for class* Rothenberg, Part IV, Readings 1, 3-9, pp. 257-267, 273-318

Deadline to select topic for final paper and notify instructor

Writing Assignment 2 handed out

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

A. The social construction of inequality

Week 7. Social Construction; the Role of Law

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

Part VI, Introduction and Readings 1-4, 7-11

(includes cases *Hall*, *Dred Scott*), pp. 427-448, 457-474

Video: The Shadow of Hate

B. The role of law in recognizing or ignoring difference

Week 8. Inequality and American Legal History

Tuesday March 18: *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
Human Rights, The Married Women's
Property Acts, *Bradwell v. Illinois*, *Minor v. Happersett*, Rising Racism, pp. 21-23, 25-36
(skip Declaration of Sentiments here - covered in Rothenberg)
Muller v. Oregon, *Goesaert v. Cleary*, *Hoyt v. Florida*, *U.S. v. St. Clair*, The Turn of the Tide, pp. 38-50
Rothenberg, Part VI, Readings 5-6, pp. 448-457
Part VI, Readings 14-19 (includes cases *Elk*, *Plessy*, *Korematsu*, *Brown*), pp. 477-492

Spring Break: March 24-March 28. No reading assignment.

Week 9. Equal Protection

Tuesday April 1: *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

Review sheet for Midterm #2 handed out

Week 10. Exam.

Tuesday April 8: Midterm Examination #2. Covers readings and discussions for weeks 6-9. Bring bluebook and pen to class.

Week 11. Equal Protection, conclusion; Title VII

Tuesday April 15: *Read for class* Lindgren & Taub, Chapter 4, Parts I and II (includes cases *DeSantis, Brown & Root, Manhart, Hopkins, Lindahl, Griggs, Dothard*), pp. 144-156, 160-173 (skip *Texas Dept. of Community Affairs v. Burdine*)

Draft of Final Paper due

Week 12. Title VII, conclusion

Tuesday April 22: *Read for class* Lindgren & Taub, Chapter 4, Part III, pp. 173-191 (includes cases *Cheatwood, Diaz, Dothard, Johnson Controls, Torres, Backus*)

Week 13. Family Law and Inequality within Families

Tuesday April 29: *Read for class* Lindgren & Taub, Ch. 7, Pt. I, thru Contemporary Marriage Models (includes cases *McGuire, Glover, Kline, Kirchberg*), pp. 326-340
Intimate Violence, When a Woman's Home is Not Her Castle, *State of North Carolina v. Norman*, pp. 345-353
Ch. 7, Pt. III, pp. 380-393 (skip Child Support Manual for Legal Services)
Ch. 7, Pt. IV (includes cases *Marvin, Schuster, Braschi, Alison D., Baehr, Moore*), pp. 395-413
Rothenberg, Part VI, Reading 22 (*Bowers* case)

Week 14. Reproduction and the Law; Course Conclusion

Tuesday May 6: *Read for class* Lindgren & Taub, Chapter 8, Parts I-II (includes cases *Griswold, Carey, Roe, Casey, Jhordan C., Davis, Baby M., A.C., Johnson*), pp. 414-469

Final Papers due

Review sheet for final exam handed out

Week 15. Make-up exams.

Tuesday May 13: **Makeup exams given. No class.**

FINAL EXAMINATION: Tuesday, May 20, 5:15-8:30 p.m., MH 520
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.

Term Paper Guidelines

Your term 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 22, 2003). 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, the suffering of North Korean refugees, 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, published during the 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. 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 or in library databases. 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 significantly penalized if they fail to use scholarly articles to support the analysis, and/or if they fail to include complete copies (including footnotes and references) of these articles.**

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

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| 1. Brief summary of the issue | 15 points |
| 2. Explanation of how issue raises questions of inequality/discrimination | 25 points |
| 3. How issue relates to course | 25 points |
| 4. Social significance | 25 points |
| 5. Your personal feelings about this issue | 15 points |
| 6. Evaluation - what should or will happen, or what would improve situation | 25 points |
| 7. Writing clarity/lack of typographical errors, copy of news article provided | 15 points |
| 8. Appropriate use of 2 journal articles (20 points each), with copies | 40 points |
| 9. "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 6. 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, with numbered pages. 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, and complete copies (including footnotes and references) of the two scholarly articles you used to support your analysis.

Drafts of term papers are **required**, and due on April 15. Drafts should be at least 3 pages long, and briefly cover items 1-7 above. You will be graded and given comments on these drafts, which will help you rewrite the paper to get it in final form. Be sure to **number the pages** of your paper. Include the copy of the news article with your draft. You are recommended, but not required, to include the scholarly journal articles with the draft.