

Instructor: Dorian Dreyfuss, M.A., J.D.
Office: 512 MacQuarrie Hall
Phone: (408) 924-2947; email Dreyfussda@aol.com
Fax (408) 924-2953
Office Hours: MW 10:00-10:30; 3:00-4:00
Other times by appointment/ CLASS MEETS MW 10:30-11:45
Spring 2003

AJ 132
WOMEN, MINORITIES AND THE LAW

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.

COURSE OBJECTIVES

AT THE TIME OF THE FINAL 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.

6 ADDITIONAL ARTICLES WILL BE ON RESERVE IN THE LIBRARY

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 is 2/3's essay (approximately 500-600 words) and 1/3 multiple choice. 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. Instructor will provide extensive feedback on research paper drafts 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 will be a review of major concepts of equality and inequality. Small group discussions based on the Cyrus readings will be spaced every 3-4 weeks. Participation in the group will be evaluated by the instructor and points distributed. Students will also review major issues discussed in their research in a class presentation.

ATTENDANCE AND PARTICIPATION

Regular class attendance is expected. Outstanding class participation may result in the improvement of the final grade by 1/2 grade point. 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 her notes. Missed exams and in class assignments may only be made up for compelling reasons. They will be administered during finals week, but the instructor must have received notice of the 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% |
| Extra Credit | |

Exams will receive a letter grade and a point distribution will illustrate class standing. Extra credit may be generated based on additional readings provided by the instructor. Please speak to the instructor if you are interested. PLEASE DO NOT BE LATE FOR ANY EXAM!

COURSE SCHEDULE

WEEK I

I INTRODUCTION-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

WEEK 2

- 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**
- E. Theories of Prejudice and Discrimination handout
Extra credit: Gish Jen (1999) Who's Irish? or O'Hearn (1998) Half & Half, writers on growing up Biracial and *Bicultural; reflection paper format(5-10 pts)*

WEEK 3

II HISTORICAL CONTEXT Of DISCRIMINATION

- A. Native Americans
Readings: Rothenberg; Part VI, articles 1, 15
- B. **Video Ishi, in class writing assignment.**
Extra credit: Silko(1977) Ceremony; Reflection paper 10 points,Louise Erdrich-any of her novels-see instructor, Sherman Alexie, The Toughest Indian in the World, reflection paper 10 points.

WEEK 4

- C. African-Americans
Readings: Rothenberg: Part VI, articles 2,3,4,8,9,10,11,16,19, **caselaw handout**
Extra credit: Mcbride: The Color of Water (1997) Reflection paper 10 pts.
- D. Eyes on the Prize, Vol 2 Desegregation; Brown v Board Of Education (1955) Optional: Separate But Equal (Video)available at local video stores/library.

FIRST MIDTERM EXAM;essay take home/objective in class; MARCH 5

SCANTRON & BLUEBOOK; PAPER TOPICS DUE AND APPROVED BY INSTRUCTOR

- WEEK 5** E. Hispanics
 Readings: Rothenberg: Part V, article 6,7, 8,
Extra credit: Alvarez(1992) How the Garcia Girls Lost Their Accents; Rodriguez (1982)The Education of Richard Rodriguez; Reflection paper (10 points)
- WEEK 6** F. Asians
 Rothenberg: Part V, articles 2,3,4 Part VI, article 18,
Extra credit: Liu(1998) The Accidental Asian; Lee(1994) China Boy; Huston (1972) Farewell Manzanar; Reflection paper (10 points)
- G. **Video Japanese Internment ; in class writing assignment : FRED KOREMATSUE STORY**
- WEEK 7** H. Religious Minorities
 Review Hate Crimes
 Mormons, Jehovah Witnesses, Amish
 Readings: class notes; reserve readings
DRAFTS OF PAPER DUE
- WEEK 8** **III STRUCTURED EQUALITY AND INEQUALITY**
 A.. Gender Discrimination/Patriarchal tradition
 Legal discrimination
 Readings: Lindgren Cp. 1; stop on page 35
 Rothenberg: Part II, article 5
Small group discussion/review for midterm RESEARCH PAPERS DUE!
- B. **SECOND MIDTERM EXAM APRIL 9**
- WEEK 9** C. Education/Title 9
 Lindgren: cp. 6 pg.276-292
- D. Labor Market
 Readings: Lindgren Cp. 4 cases only
 Rothenberg: Part IV, articles 2, 6
- WEEK 10** E. Sex Harassment
 Reading: Lindgren Cp. 5 pg. 201-222; Cp. 6 pg. 314-322
- WEEK 11** F. Justice System: Women Offenders/ Victims
 Readings: Cyrus: articles 77,79,80,81
 Lindgren pg. 345-350; Cp. 9 pg. 508-516
- WEEK 12** **IV POWER AND CLASSISM**
 A. Family Relations including Gays/Lesbians
 Readings: Lindgren Cp. 7, skip 340-345; 356-366; 386-395; stop at 410.
- B. Reproductive Choices
 Lindgren: Cp. 8, skip pages 434-440 & baby M.

WEEK 13

D. Affirmative Action/Reverse Discrimination
Reading: Handout
Small group discussions

E. Homelessness
Reserve Reading

F. Disabilities & Law
Reserve readings
Rothenberg, Part V, article 18

WEEK 14

**V CULTURAL PLURALISM & EQUALITY
CHALLENGES FOR OUR FUTURE**

A. CONCLUSIONS/REVIEW/SUGGESTIONS

Readings: Rothenberg, Part VIII, articles 4,8,9,11;Class
survey; **ESSAY PORTION OF FINAL DISTRIBUTED**

WEEK 15

REVIEW FOR FINAL/ORAL PRESENTATIONS

LAST DAY OF INSTRUCTION MAY 12

**FINAL EXAM: OBJECTIVE PORTION;
TUESDAY MAY 20 9:45-12:00 DON'T BE LATE!**

RESEARCH PAPER REQUIREMENTS

Students must complete a research paper to receive credit in this course. The paper must be a total of (8) eight typed pages, 12 font, 27 lines per page. A bibliography using APA format and citation must be included. Footnoting may appear at the end of the paper on a separate page from the bibliography or incorporated at the bottom of the page which is the preferred method. The paper must be stapled or bound in a folder with a title page including name, section, professor and semester. Students are advised to keep a record of their research and final paper on disk. There are many research or thesis writing manuals available for students requiring direction. Please refer to one of these manuals if questions arise on format. A draft of the paper may be submitted for correction. Please refer to the greensheet for that date. Late papers will lose 5 points each day late. Note: College papers should never contain gratuitous profanity, even if it's a quote!

Research: Each student is to pick a topic from the curriculum in the areas of racial, ethnic, gender identity, discrimination (against a certain group), structured inequality or power and classism. Examples will follow. The goal of the research is to access a minimum of eight scholarly journals-a list of suitable sources will be supplied) along with secondary sources such as field interviews, internet (sites will be supplied) research and Professional journals. The student's analysis will include at the outset, definition of the issue--whether it be the proliferation of hate groups in the U.S, sex harassment on college campuses or failure of a minority group to achieve entrance/graduation from college. Why is this issue significant--is this an example of structural inequality?, discrimination not yet addressed by

the Judiciary or state law? Etc. Students will also do some introspection as they answer why this issue is significant to them. As the research is developed, an historical background will be included to give perspective, and the current situation will be described. What will likely happen in the future regarding this issue must also be included. The conclusion is extremely important; solutions to this problem/issue must be identified and analyzed. In the example of Hate Crimes, is more uniform prosecution required? More expanded culpability? More groups included in the protected class?

Students must follow the assigned format:

| | |
|---|------------------------|
| Bibliography..... | 10 points |
| Footnotes/citations..... | 10 points |
| I The Issue | |
| -definition..... | 10 points |
| -significance..... | 10 points |
| -why chosen..... | 10 points |
| II Development | |
| -historical development..... | 10 points |
| -currently happening..... | 10 points |
| -likely in the future..... | 10 points |
| III Conclusion | |
| -suggestions/approaches which will not benefit this issue..... | 10 points |
| -suggestions/approaches which will benefit this issue..... | 10 points |
| | <hr/> total 100 points |

Topic Suggestions:

Race/ethnic/gender identity:

Bicultural children--how do they identify?

Interracial marriage--issues for adoption/affirmative action

Gender identification--gay/lesbian legal rights/ the boy who was raised as a girl
(John Colapinto, As Nature Made Him)

Historical context of Discrimination

Hate crimes--minorities, lynching, native americans, gays/lesbians/religious groups

KKK-its reemergence

African-Americans-slavery(reparations?), Amistad Case, Abolition Movement, Civil Rights Movement. Native Americans: Ishi Biography, Supreme Court recognition and loss of recognition of tribal independence/tribal justice today.

Hispanics: Treaty of Guadalupe Hidalgo, Zoot Suit Riots, Bracero Programs, Bilingual Education in Pubic Schools

Asians: Chinese labors/immigration restriction/paper sons, importance of Chinatown,

Concubines, footbinding, patriarchal society; Japanese/american experience during WWII-
civil rights deprivations during internment/USSC response
Religious Minorities--how First Amendment protects, and discrimination which still exists

Structured equality and inequality

Legal restrictions for women in the workplace/professions
Educational disabilities/harassment/graduate school admissions disparity
Labor market discrimination--ethnic groups consigned to certain professions/prejudice within professions
Sex harassment within labor market and educational system
Justice system: *driving while black*, women in prison-issues with their children/ trial of Matt Shepard/Vincent Chen

Power and Classism

Family law: new domestic laws-partnerships, covenant marriages, community property
Child custody-gays/unmarried, etc.
Reproductive choices: abortion, fertility control in the 19th century, new reproductive technology-menopausal moms? Frozen embryos, stem cell research.
Affirmative action/reverse discrimination-is it still needed? Race versus Class as determinants, whites left out? Asian reverse discrimination for being model minority?

Students may be creative in their choices for their research papers. The more enthusiastic they are about their topics, the more successful the paper! All topics must be approved by instructor by date on greensheet!

RESEARCH SOURCES

SEE RESEARCHING ADMINISTRATION OF JUSTICE ISSUES HANDOUT

Scholarly journals may be found in our library or online and should be distinguished from professional journals which are published by organizations such as police chiefs, lawyers, Etc. They usually contain advertisements and the articles lack bibliographies and citations. These are fine as secondary sources. Scholarly journals are edited by University Scholars, the most commonly known in our field is Journal of Criminal Justice. Often the use of abstracts if published with the journal facilitates research. The instructor will demonstrate how abstracts work in class. A separate tour of the library will be conducted if desired by the class.

WEB SITES OF INTEREST

- Literature on Race, ethnicity, multiculturalism
<http://ethics.acusd.edu/race.html>
- Hall of Multiculturalism: Resource Center
<http://www.tenet.edu/academia/multi.html>
- Chicana Studies Web Page

<http://clnet.ucr.edu/women/womenHP.html>

-HandsNet: Welfare Reform Watch
<http://www.handsnet.org/index.htm>

-Distinguished Women Past & Present
<http://www.netsrq.com/~dbois/>

-Gender Studies Indexes, Abstracts, Bibliographies
<http://info.lib.uh.edu/indexes/gender.htm>

RESEARCHING ADMINISTRATION OF JUSTICE ISSUES

Topic Ideas

See handout
Instructor ideas
Periodical Indexes (Criminal Justice Periodical Index)

Finding Books and Periodicals

OPAC-Online Public Access Catalog
Locate books by author, title, subject, keyword searches
Locate periodicals by title of periodical

Finding Journal/Periodical Articles

Professional Practice (*Police Chief*)
Scholarly Journals (*Journal of Criminal Justice*)
Journals in other disciplines: *Family Violence, Criminal Law Review etc.*

Published Indexes: Criminal Justice Periodicals (HV 8183.c75x)
Criminal Justice Abstracts (HV 6001.c67)

Online Indexes: Expanded Academic ASAP
Sociological Abstracts
Lexis/Nexis Academic Universe

NCJRS Abstracts
Social Sciences Index

Government Publications

GPO Access-available Online through Government Publications
FBI homepage

Statistical Sources

U.S. Statistical Abstract
Uniform Crime Reports
Sourcebook for CRJ Stats
Bureau of CJ Statistics

Agency Reports

Santa Clara Probation, SJP, SC Sheriff

Interlibrary Loan-takes approx. 2 weeks-decide topic quickly!