

**Race, Gender, Inequality and the Law
(Advanced GE, Area S)
Course Syllabus**

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Office Hours: Mon., Wed. 9:15-10:30 AM
Mon. 3:00-5:30 PM

Department website: www.sjsu.edu/justicestudies (this syllabus will be posted there)

Class Meeting Times and Location: Mon., Wed. 1:30-2:45 PM, MacQuarrie Hall 523

Description: This course examines inequality in the United States, and explores the role of law in creating, maintaining, and eliminating inequality. We will analyze various forms of inequality, emphasizing discrimination based on race, ethnicity, gender, and class, and will also consider discrimination based on sexual orientation, religion, immigration status, and disability. We will discuss inequality in criminal justice, education, employment, 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 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 subordinated groups to achieve 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 equality in major social institutions, e.g., employment, the family, education, and criminal justice, and how these inequalities or 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. Improve verbal skills and ability 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*, 6th edition (New York: Worth 2003) (abbreviated "R" below).
2. J. Ralph Lindgren, Nadine Taub, Beth Anne Wolfson & Carla M. Palumbo, *The Law of Sex Discrimination*, 3d edition (Belmont, CA: Thomson/Wadsworth, 2004) (abbreviated "LT" below).

Both books will be available at the SJSU Bookstore, Roberts Books, or online. Be sure to get the correct edition of each; earlier editions contain different readings.

Note: you will also need 3 narrow scantron forms during the semester, available at any textbook store.

Class Participation, Requirements, and Grading:

You are responsible for doing the assigned reading on time 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, get notes from a classmate (the professor's notes will not be available to students). Note that to do well in class, you need to attend regularly. Students who miss class and rely solely on the reading and/or friends' notes consistently perform poorly in JS 132 compared to students who rarely miss class.

During class, please make sure your cell phones and pagers are silent.

Exams: Exams are closed-book, closed-note. Exams include multiple choice, short-answer and/or short essay questions. Exams cover assigned readings and material covered in class, including videos. A review will be given before each exam. 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 come to class.

Exams will be handed out only for the first 10 minutes of the class period in which the exam is being given. Students who arrive more than 10 minutes late will not be allowed to take the exam. This policy also applies to the final.

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.

Papers: You will be writing two short papers and a term paper. One short paper will be a take-home assignment and require a one-page essay; the other short paper will be an in-class assignment involving about one page of writing. You will also be writing a term paper on a topic related to the course, which will require some library research. You will turn in a draft of this paper, 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 assignments, a draft term paper, and a final term paper), library research for your paper, three exams (2 midterms and a final), and class participation. Your grade will be calculated as follows:

Exams: 100 points each x 3 exams =	300 points
Short Writing Assignments: 40 points each x 2 =	80 points
Draft of Term Paper:	60 points
Journal Article Information:	20 points
Final Term Paper:	150 points
Class Participation:	<u>25 points</u>
	635 total points possible

Scores for each item 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.), *not* simply for attendance.

Extra credit assignments: Several extra credit (optional) assignments will be handed out during the semester. They will be in the form of 1-3 short questions asking for feedback or reactions to the topic in class that day. They will each be worth 5 points. They will not be announced ahead of time, and cannot be made up if missed.

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). The short writing assignments will each be about one page in length (250 words each, 500 words total); the draft term paper should be at least 4 pages (1000 words); journal article summaries will be about one page (250 words) and the final term paper should be 5-7 pages in length (1250-1750 words).

Makeup policy, late papers, missed exams:

Papers received at any time on the day they are due will count as “on time.” Late papers will be marked down **10%** for each **day** they are late, including weekends. (For example, a paper worth 50 points will be docked 5 points for each day late; a paper worth 150 points will be docked 15 points for each day late.) You may email 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. If 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, have the person in the JS Department office date-stamp it, 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; using my mailbox avoids this problem.

In-class assignments cannot be made up.

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, because it is harder to remember the earlier material at the end of the semester than when we have just covered it in class; also, students taking makeups will not have an accurate estimate of their total points before taking the final exam. That is, if you make mistakes on Exam 1, you have the 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.

Other information:

Students with disabilities: Students who need accommodation due to a disability must register with SJSU's Disability Resource Center (DRC). The Center will work with the student to determine the disability, document it, and determine the services and accommodations necessary for student success. The DRC will contact the instructor to determine the types of consideration necessary. Students must register with the Center during the first three weeks of the semester. The DRC Web site: <http://www.drc.sjsu.edu/>

Cheating and plagiarism: In accordance with University policy, students caught cheating or plagiarizing will both *fail the entire course and be reported to the University Judicial Affairs Officer*. If you are considering a career in the criminal justice field, be aware that reports of cheating will go on your academic record and thus will be discovered by employers' background investigations of job candidates.

For more information on what constitutes cheating and plagiarism, take the SJSU Library tutorial at <http://tutorials.sjlibrary.org/plagiarism/index.htm>

See the university's policy on academic dishonesty at <http://www.sjsu.edu/leap/plagiar.htm>

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

Wednesday January 26: *No reading assignment*

WEEK 2. Understanding Racism, Sexism and Class Privilege

Monday January 31: *Read for class R, Chs. 12, 14, 16, 22, 61, 106*

Wednesday February 2: *Read for class R, Chs. 62, 66, 67, 78, 19, 107*
Short writing assignment handed out

WEEK 3. Understanding Inequality, continued; Experiencing Discrimination

Monday February 7: *Read for class R, Chs. 15, 17, 18, 20, 21, 114*

B. How are prejudice, discrimination and stratification experienced?

Wednesday February 9: *Read for class R, Chs. 24-26, 28, 31, 43, 44, 81*
Short writing assignment due

WEEK 4. Consequences of Inequality; Review for exam

Monday February 14: *Read for class R, Chs. 27, 40-42, 75, 77, 79, 80, 109*
Deadline to select topic for final paper and notify instructor

Wednesday February 16: *Read for class R, Chs. 23, 32, 60, 64-65, 74, 110, 118*
Review for Midterm #1

WEEK 5. Exam; the Economics of Race, Class and Gender in the United States

Monday February 21: Midterm Examination I - covers readings and discussions for weeks 1-5.
Bring scantron, #2 pencil and pen to class.

C. What are the economic aspects of American inequality?

Wednesday February 23: *Read for class R, Chs. 38, 39, 46, 48-50*

WEEK 6. The Economics of Race, Class and Gender in the U.S.

Monday February 28: *Read for class R, Chs. 52-57*

Wednesday March 2: *Read for class R, Chs. 47, 51, 123, 124*

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

A. The social construction of inequality

WEEK 7. Social Construction

Monday March 7: *Read for class R*, Chs. 1, 3-6

Wednesday March 9: *Read for class R*, Chs. 70, 71, and pp.85-93 of Ch. 8
In-class writing exercise

WEEK 8. Social construction; Racial Inequality and American Legal History

Monday March 14: Video: The Assault on Gay America

B. The role of law in recognizing or ignoring difference

Wednesday March 16: *Read for class R*, Chs. 83-86, 89-93

WEEK 9. Racial Inequality and American Legal History

Monday March 21: *Read for class R*, Chs. 96-98, 100-101

Wednesday March 23: Video: The Murder of Emmett Till

March 28 - April 1, 2004: Spring Break. No classes, no reading assignment.

WEEK 10. Sex Inequality and American Legal History; **Exam**

Monday April 4: *Read for class LT*, Blackstone on Coverture, pp. 2-4; The Cult of True Womanhood, Separate Spheres, pp. 6-10; Appendices A-D, pp. 427-438; *Bradwell v. Illinois*, *Minor v. Happersett*, pp. 18-22
Review for Mid-term #2

Wednesday April 6: Midterm Examination #2: covers readings and class discussions for weeks 6-10. Bring scantron, #2 pencil, and pen to class.

WEEK 11. Equal Protection

Monday April 11: *Read for class LT*, *Muller v. Oregon*, *Goesaert v. Cleary*, *Hoyt v. Florida*, *J.E.B. v. Alabama*, The Turn of the Tide, pp. 28-41

Wednesday April 13: *Read for class LT*, Introduction to Equal Protection, A New Beginning, *Reed v. Reed*, *Frontiero v. Richardson*, Setting the Standard, *Craig v. Boren*, *Orr v. Orr*, pp. 42-56

WEEK 12. Equal Protection; Title VII (Disparate Treatment)

Monday April 18: *Read for class* LT, Refining the Model, *Michael M.*, Perspectives on Women's Subordination, *Miss. Univ. for Women v. Hogan*, pp. 61-70

Wednesday April 20: *Read for class* LT, Ch. 3, pp. 79-91, 98-103 (includes cases *Nichols*, *Brown & Root*, *Manhart*, *Hopkins*, *Lindahl*)

Draft term paper due

WEEK 13. Title VII (Disparate Impact, BFOQ)

Monday April 25: *Read for class* Ch. 3, pp. 104-117 (includes cases *Griggs*, *Dothard*, *Cheatwood*, *Diaz*)

Wednesday April 27: *Read for class* LT, Ch. 3, pp. 117-129 (includes cases *Dothard*, *Johnson Controls*, *Healey*)

Journal article information due

WEEK 14. Family Law and Inequality within Families

Monday May 2: *Read for class* LT, Ch. 6, Pt. I, pp. 237-257 (includes cases *McGuire*, *Glover*, *Kline*, *Kirchberg*, *Morrison*)

Wednesday May 4: *Read for class* LT, Ch. 6, Pt. II, pp. 260-278 (includes cases *Devine*, *Beck*, *Lehr*, *B.L.V.B.*)

WEEK 15. Family Law; Reproduction and the Law

Monday May 9: *Read for class* LT, Ch. 6, Pt. IV, pp. 286-301 (includes cases *Marvin*, *Schuster*, *Alison D.*, *Baker*, *Lawrence*)

Wednesday May 11: *Read for class* LT, Ch. 7, pp. 303-328 (includes cases *Griswold*, *Roe*, *Casey*)

Revised final papers due

Review for final exam

WEEK 16. Makeup Exams

Monday May 16: **Makeup exams given. No lecture.**

**FINAL EXAMINATION: Friday, May 20, 2005, 12:15 - 2:30 PM (in our regular classroom)
Bring scantron, #2 pencil, 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 1, 2005). 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. 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? For example, 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 (be specific here).

To aid your analysis of the issue, you must find, read and cite at least *two scholarly journal articles* in your paper. This requires *using the SJSU library* to research and print or 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. They are often referred to as “peer reviewed” or “refereed” journals. 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.**

Papers are due on May 11. 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 reference page; all citations must 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. For information on APA style, see <http://www2.sjsu.edu/orgs/pkp/resources.htm> and http://sjlibrary.org/services/literacy/info_comp/citing.htm

Grading: Final papers can earn a maximum 150 points. Points will be awarded as follows:

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|---|-----------|
| 1. Brief summary of the issue | 10 points |
| 2. Explanation of how issue raises questions of inequality/discrimination | 15 points |
| 3. How issue relates to course | 15 points |
| 4. Social significance | 15 points |
| 5. Your personal feelings about this issue | 10 points |
| 6. Evaluation - what should or will happen, or what would improve situation | 15 points |
| 7. Writing clarity/lack of typos, copy of news article provided, numbered pages | 15 points |
| 8. Appropriate use of 2 journal articles (20 points each), with complete copies | 40 points |
| 9. Textual references and bibliography 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.

Drafts of term papers are **required**, and due on **April 20**. Drafts should be at least 4 pages long, and briefly cover items 1-4 above. **Include the copy of the news article** with your draft. (Answers to items 1-4 will earn up to 55 points, and up to 5 more points will be awarded for writing clarity and including a copy of the news article.) 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.

On **April 27**, you will turn in a one-page assignment which lists your two journal articles, correctly cited in APA format, and includes a one-paragraph summary of each article. This assignment will be worth 20 points (10 points per article). You do not need to turn in the journal articles with this summary, only with the final paper. This assignment will be reviewed to ensure that you have selected two scholarly (refereed) articles, that they are relevant to your topic, and that you have cited them correctly.

In your final paper you do not need to turn in the journal article summaries – just cite the articles at appropriate places in your paper, include them in the reference page, and turn in the articles themselves.

Checklist for final paper:

- typed, double-spaced
- 12-point font
- 1-inch margins
- pages numbered (page 1 is your first page of text, *not* your cover page)
- 5-7 pages long
- questions 1-6 above answered
- copy of news article attached
- complete copy of journal articles attached
- both journal articles cited in paper
- reference page lists news article, journal articles, course readings, and all other reference materials
- references are in APA style
- paper has been spell-checked and proofread