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Office Hours: Wed:3:00-5:30; Friday immediately following class.
Other times by appointment/ CLASS MEETS FRIDAY 9:00-11:45
Spring 2006

JS 132
RACE, GENDER, INEQUALITY AND THE LAW
(ADVANCED GE, AREA S)

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.

PREREQUISITES

Completion of Core GE, satisfaction of WST, and upper division standing.
Note: Courses to meet Areas R,S and V of SJSU Studies must be taken from three different departments or distinct academic units.

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. Met by research paper and examinations.
2. Describe the legal history and current legal context of minority group and gender discrimination. Met by research paper and examinations.
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. Met by small group discussions, research paper and examinations

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. Met by small group discussion, research paper and examinations.

5. Analyze competing legal rights of men and women in domestic relations including marriage, reproduction, adoption, child custody and divorce. Met by research paper and examinations.

6. Analyze legal and social developments in issues relating to sexual harassment, hate crimes, and affirmative action/reverse discrimination. Met by small group discussion, research paper and examinations.

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. Met by small group discussion, research paper and examinations.

8. Recognize your own and others' attitudes towards racism, sexism and discrimination of all groups. Met by small group discussions, research papers and examinations.

9. Recognize and appreciate constructive interactions between people from different cultural and social groups and identities in the U.S. Met by small group discussion, research paper and examinations.

10. Gain greater competence in research and writing skills. Met by research paper.

11. Gain greater verbal articulation skills, and ability to communicate with people of different background and identities. Met by class participation and small group discussions.

GE OBJECTIVES:

After successfully completing the course, students should be able to:

- describe how religious, gender, ethnic, class, sexual orientation, disability, and/or age are shaped by cultural and societal influences in contexts of equality and inequality;
- describe historical, social, political, and economic processes producing diversity, equality, and structured inequalities in the U.S.;
- describe social actions by religious, gender, ethnic, racial, class, sexual orientation, disability, and/or age groups leading to greater equality and social justice in the U.S.; and
- recognize and appreciate constructive interactions between people from different cultural, racial, and ethnic groups in the U.S.

REQUIRED TEXTS

Rothenberg, Paula (2004). Race, Class and Gender in the United States, NY: Worth Publishing, 6th edition

Lindgren & Taub(2005). Law of Sex Discrimination, Minneapolis, MN: West Publishing. 3RD EDITION

CLASS REQUIREMENTS

You are responsible for reading assignments before class lecture and bringing appropriate text to class for discussion purposes. Class notes are essential and should be obtained from classmates if you miss class. Please do not ask to copy the instructors notes..

Three exams are required; two midterms and a 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 Rothenberg readings and will be spaced every 2-3 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 only for compelling reasons. They will be administered during finals week, but the instructor must have received notice of the absence!

EVALUATION

Midterm #1	100 pts.
Midterm #2	100 pts.
Final	100 pts.
Research Paper draft	50 pts
Research Paper	150 pts
In class assignmts. x2	50 pts.
group discussions	50 pts
Extra credit; up to	100pts

Total: 600 pts plus 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. Your final grade in the class will be curved against the rest of the class but again, may be enhanced by either outstanding class

participation or extra credit. Note: If you are 15 minutes late for an exam, without a valid

excuse, you may not take the exam. You may only be late for one exam. **Research papers**

and drafts may not be emailed, but they may be faxed to the Justice Studies Department. Late papers will be deducted 10 points for each day late. Missed exams without proper documentation will be credited as an "F". It is your job to inform the instructor of anticipated missed exams etc.

EXTRA CREDIT

Extra credit will consist of additional reading in a specific topic area or viewing of a film the instructor has chosen as particularly relevant to our coursework. Students will write a reflection paper (separate handout) of 3-4 pages in length and receive up to 20 points depending on the quality of the work. *Suggestions for extra credit will be italicized in the syllabus.*

STUDENTS WITH DISABILITIES

Students who need accommodation due to disability must register with the Disabilities Resource Center. The Center will assess disability, document it, and provide acceptable accommodation.

The DRC will contact the instructor to determine the type of consideration needed. DRC website:

<http://www.drc.sjsu.edu/>

CHEATING AND PLAGIARISM

In accordance with University policy, students caught cheating or plagiarizing will both fail the course and be reported to the University Judicial Affairs Officer. A report of the incident may be included in your academic record which may be accessed by future employers. Your own commitment to learning, as evidenced by enrollment at San Jose State University, and the Universities Academic Integrity Policy requires you to be honest in all your academic work. The policy on academic integrity can be found at : <http://www2.sjsu.edu/senate/SO4-12.htm>. For more information on what constitutes this infraction, take the SJSU Library tutorial at : <http://tutorials.sjlibrary.org/plagiarism/index.htm>.

COURSE SCHEDULE

WEEK 1 | INTRODUCTION-MULTIDISCIPLINARY APPROACH

1/27

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; written portion of first midterm will include analysis of racial issues portrayed in the film **Crash**.

WEEK 2

2/3

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? O'Hearn (1998) Half & Half, (writers on growing up Biracial and Bicultural;) reflection paper format(10-20 pts) Film:

American History X. (10 pts).

WEEK 3
2/10

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
2/17

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. film: Amistad, 1999

D. Video on Emmit Till time permitting

**FIRST MIDTERM EXAM; ESSAY QUESTIONS
DISTRIBUTED, DUE MARCH 10 OBJECTIVE IN CLASS
MARCH 17
SCANTRON NEEDED. PAPER TOPICS DUE AND
APPROVED BY INSTRUCTOR**

WEEK 5
2/24

E. Hispanics

Readings: Rothenberg; Part V, article 6,7, 8,

Extra credit: Alvarez(1992) How the Garcia Girls Lost Their Accents; or Film Spanglish 2004, Reflection paper (10 pts)

Video: Zoot Suit Riots- PBS 2004 time permitting

(10

WEEK 6
3/3

F. Asians

Rothenberg; Part V, articles 2,3,4 Part VI, article 18,

*Extra
credit
:
Liu(1
998)
The
Accid
ent*

Asian;Huston (1972) FareweManzanar; Reflection paper
(10

Points)

G. Video Japanese Internment ; in class writing assignment.

Small group discussion time permitting

WEEK 7
3/10

H. Religious Minorities
Review Hate Crimes
Mormons, Jehovah Witnesses, Amish
Readings: class notes; case law.

WEEK 8
3/17

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

B. Small Group Discussion

WEEK 9
3/24

C. Education/Title 9
Lindgren: cp. 5 pg. 189-220
Drafts of RESEARCH PAPER DUE!

D. Labor Market/working conditions/sex harassment
Readings: Lindgren Cp. 4 cases only
Rothenberg: Part IV, articles 2, 6

SPRING BREAK 3/27-3-31

WEEK 10
4/7

E. Pay Equity/Affirmative Action
Lindgren cp. 4 pg. 161-184
SECOND MIDTERM ESSAY QUESTIONS DISTRIBUTED
DUE APRIL 21; OBJECTIVE APRIL 28

WEEK 11
4/14

F. Justice System: Women Offenders/ Victims
Lindgren Cp. 8. Pg. 391-399
Issues of Incarcerated Women

WEEK 12
4/21

IV POWER AND CLASSISM

A.. Domestic Relations including Gays/Lesbians/transexuals
Readings: Lindgren Cp. 6, skip 340-345; 356-366;
386-395; stop at 410.

B. Reproductive Choices
Lindgren: Cp. 7. skp pages 434-440 & baby M.

WEEK 13
4/28

C. RESEARCH PAPERS DUE MAY 5!

- D. Homelessness
Reserve Reading
Class notes
- E. Disabilities & Law
Class Notes
Rothenberg, Part V, article 18

WEEK 14
5/5

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

A. CONCLUSIONS/REVIEW/SUGGESTIONS

Readings: Rothenberg, Part VIII, articles 4,8,9,11;Class
survey;

small group discussions

WEEK 15
5/12

REVIEW/MAKEUP EXAMS

LAST DAY OF INSTRUCTION MAY 16

FINAL EXAM

THURSDAY MAY 18 1215-1430

RESEARCH PAPER REQUIREMENTS: Students must complete the paper to receive a grade in the course.

1. The paper must be a total of 8 typed pages, 12 font, 27 lines per page. If you are using a quote, and it is longer than 2 lines, it must be indented and single spaced. Paraphrasing the author might be a better choice than long quotes.
2. A bibliography using APA format must be included.
3. Every idea that is not your own must be cited! Cite with a footnote either incorporated on the page, or entered at the end of your paper as a sources cited page.
4. Each paper must contain four scholarly sources which are used in your analysis. Scholarly sources are academic journals such as *The Journal of Criminal Justice*, *Criminology*, *Sociology*, *Social Research*. We will spend time in class distinguishing the various types of sources and which are most helpful in this project.

5. Students must keep a copy of their draft and final paper on a disk.
6. College papers should never contain gratuitous profanity, even if it's a quote!

RESEARCH PAPER GUIDELINES: Students must complete the paper according to the guidelines in order to receive a final grade in the course.

1. Students will choose a book from the attached list, or have one of their own choices cleared by the instructor. I will have a binder in my office with material on the book supplied by Amazon. Cover, reviews, price etc. Students should peruse this binder in making their selection. It will save shopping time.
2. The books are generally autobiography, biography, ethnography or even fiction. They are compelling presentations of injustice, discrimination, prejudice or insurmountable obstacles individuals have had to face. They are excellent reading and cover all the areas in our curriculum. I will be adding and subtracting from this list as publishing in this area is prolific.
3. Your job is to analyze the book, using the attached format, augmented with sources, and guided by the principle concepts we will be studying this semester. There is so much wonderful writing in this area that I urge you to choose a book which contains an issue of relevance to you. It may be an issue of current or historical ethnic discrimination, gender inequality, unfairness or illegality in the workplace. Any and all issues discussed in class or contained in our curriculum are appropriate.
4. A draft of the paper is due on the date in the greensheet. The draft is worth 50 points. It is not the final paper—but must contain an outline, and copies of the journal articles. I will correct drafts, make suggestions for revisions and return them to the students. *No final paper will be accepted without a draft!* I will also expect to speak to all students regarding the paper.

RESEARCH PAPER FORMAT

1. Reason for the student's book choice (10 pts)

2. Historical background of discrimination or inequality (15 pts)
3. Examples of individual or institutional discrimination or injustice (15 pts)
4. Relationship between members of dominant and subordinate groups (15 pts)
5. Effects of oppression or injustice in terms of assimilation, denial of economic opportunity, lifestyle choices, incarceration, autonomy, etc. (20 pts)
6. How the justice system responded (or didn't) to the discrimination or injustice (15 pts)
7. What are possible solutions to the injustices/discrimination presented in your book?
Litigation,
Class Actions, legislation, education of the public, societal change? (20 pts)
8. What was your personal response to the book? Believable? Well written?
Overwhelming?
What did you learn from the book?(20 pts)
9. Sources , bibliography, footnotes.(10 pts)
10. Presentation, grammar, syntax, spelling, paragraphs (15 pts)

BOOK SUGGESTIONS: PARTIAL LIST

Stannard, David, *Honor Killing, How the Infamous Massie Affair transformed Hawaii*
Excellent look at colonial racism in Hawaii in the 1930's. Contains Clarence Darrow's last courtroom case.

Bernstein, Nell, *All Alone in the World, Children of the Incarcerated* (expose of the fate of children left behind when parents are in custody)

Phan, Aimee, *We Should Never Meet*, (story of Vietnamese children relocated to California)

Kogawa, Joy, *Obasan*, (Japanese internment during WWII)

Fadiman, Anne, *The Spirit Catches You and You Fall Down*, (a Hmong child in Central California, medical issues and culture clash.)

Starn, Orin, *Ishi's Brain*, (recent account of Ishi's life, the anthropologists who studied him and ethnocentricity)

Alexie, Sherman, *The Toughest Indian in the World*, current native american experience from an insightful, sensitive writer.

Crow Dog, Mary, *Lakota Woman*, autobiography of a native american woman's struggle to overcome oppression.

Kai, Irene, *Golden Mountain, Beyond the American Dream*, memoir of Chinese women in the US.

Harth, Erica, *Last Witnesses, Reflections on the Wartime Internment of Japanese Americans.*

Arviso, Lori, *The Scalpel and the Silver Bear* (memoir of the first Navajo woman surgeon)

Ball, Edward, *Slaves in the Family* (a white man's search into his African-American past)

Brenner, Claudia, *Eight Bullets: One Woman's Story of Surviving Anti-Gay Violence*

Colapinto, John, *As Nature Made Him: The Boy Raised as a Girl*, medical catastrophe, search for identity.

Fisher, Antwone, *Finding Fish*, memoir of boy born in prison, raised in foster home.

Grealy, Lucy, *Autobiography of a Face* (childhood memoir of a girl disfigured by cancer, read in conjunction with Ann Patchet's *Truth and Beauty*).

Hirsch, James, *Hurricane: the Miraculous Journey of Hurricane Carter*, incredible journey of an Afr/Am man who survives the justice system to make a life for himself.

LeBlanc, Adrian, *Random Family*, Puerto Rican coming of age in the Bronx, poverty, love, drugs etc.

Burk, Martha, *Cult of Power*, sex discrimination in corporate america.

Kuusisto, Stephen, *Planet of the Blind*, experience of disability in a sight oriented world

Bingham, Clara, *Class Action*, sex harrassment in the mines of Minn.

Boyle, Keven, *Arc of Justice*, race, civil rights, murder in the Jazz Age, Clarence Darrow

Eugenides, Jeffrey, *Middlesex*, fiction, sex reassignment, history, civil rights. Excellent

Hopkins, Ann, *So Ordered, Making Partner the Hard Way*, breaking the glass ceiling in corporate US

Jacobs, Harriet, *Incidents in the Life of a Slave Girl*, nonfiction account of slave experience.

Johnson, Kevin, *How Did You Get to Be Mexican*, a white/brown search for identity.

Kassindja, Fauziya, *Do they Hear Me When I Cry?*, FMG & immigration rights

McCort, Frank, *TeacherMan*, Irish immigrant teaching “unteachable” kids in NYC

Mah, Yen Adeline, *Falling Leaves*, The story of an unwanted Chinese daughter

McBride, James, *The Color of Water*, mixed race son’s memoir of his Mom

Scholinski, Daphne, *The Last Time I Wore a Dress*, memoire of a girl institutionalized for ‘male’ behavior

Lazarre, *Beyond the Whiteness of Whiteness*, memoire of a white mother of black sons

Rodriguez, Richard, *Hunger of Memory*: The education of an hispanic writer in america

Kingston, Maxine Hong, *Warrior Women*, memoire of Chinese-American experience

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) research and Professional journals. The field interviews, internet (sites will be supplied) at the outset, definition of the issue—whether it be the students analysis will include at 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? We will have a lengthy discussion on format, appropriate topics and sources and citations. I prefer students to choose a topic of importance to them, an issue of relevance that ignites enthusiasm. Remember: every idea which is not your own must be cited! You may have as many as a dozen cites on each page of your paper.

Students must follow the assigned format:

- Biography..... 10 points
- notes/citations..... 10 points
- The Issue
 - definition..... 15 points
 - significance..... 15 points
 - why chosen..... 15 points
- Development
 - historical development..... 15 points
 - currently happening..... 15 points
 - likely in the future..... 15 points
- Conclusion

-suggestions/approaches which will not benefit this issue.....20 points

-suggestions/approaches which will benefit this issue.....20 points

total 150 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); Jeffrey Eugenides, Middlesex (2002)

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 Public Schools
Asians: Chinese labors/immigration restriction/paper sons, importance of Chinatown, concubines, footbinding, patriarchal society; Japanese/American Internment
Religious Minorities--how First Amendment protects, and discrimination which still exists

Structured equality and inequality

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

Gender and Classism

Family law: new domestic laws-partnerships, covenant marriages, community property
Child custody-gays/unmarried, donor rights.
Reproductive choices: abortion, fertility control in the 19th century, new reproductive technology-menopausal moms? Frozen embryos, stem cell research.
Reverse 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.

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, SJPD, SC Sheriff

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