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Fall 2010

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 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, racial/ethnic and religious minorities and the aged, the disabled, and 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:

1. 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;

2. describe historical, social, political, and economic processes producing diversity, equality, and structured inequalities in the U.S.;

3. 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
4. recognize and appreciate constructive interactions between people from different Cultural, racial, and ethnic groups in the U.S..

REQUIRED TEXTS

Healey, Joseph (2010). **Race, Ethnicity, Gender, and Class, the Sociology of Group Conflict and Change**, Los Angeles, Ca: Pine Forge, Sage Press. 5th edition

ISBN: 9781412990585

Lindgren & Taub (2005). **Law of Sex Discrimination**, Boston, Mass. Wadsworth, Cengage Publishing. 4th edition. ISBN:0-495-793221.

Both Texts are in paperback.

CLASS REQUIREMENTS

You are responsible for reading assignments before class lecture and **bringing the 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. **Assignments, handouts, grades and lecture powerpoints will be posted on either PageOut or Desire to Learn. I will email all on the class roster a greensheet one week before class.**

Two exams are required; a midterm and a final administered in class during the final examination period. The midterm will have a take home essay portion and an in class objective portion. A total of 3500 words of writing is required for credit in the class. . 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. **Students are required to submit either an annotated outline or a draft of their paper for review by the instructor. Instructor will provide feedback and points assigned.** 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 Healey readings will be spaced every 2-3 weeks. Participation in the group will be evaluated by the instructor and points distributed. Students will also be assigned cases from the Lindgren text for presentation in class. Lastly, our course has such a rich curriculum that topics of study will be reported on daily in the news. Students may earn extra credit points by accessing NYTIMES.com, SFChronicle.com etc., printing out the news item and discussing it with the class.

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--Healey 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. Missed exams and in class assignments may only be made up only for **compelling reasons. Vacations, oversleeping etc. do not constitute valid excuses. Makeup exams will only be administered during finals week, and the instructor must have received notice of the absence! Again, only one exam may be made up, and that will occur on the last day of class.**

Because class participation enhances the learning experience for all, I will be taking roll each class period. **Students who post their picture on the website will help me tremendously in learning names and assigning participation points.**

EVALUATION

Midterm #1	60 pts.(30 essay, 30 objective)
Crash/Grand Torino Assignment	30 pts
In class writing assignment #1	10 pts
In class writing assignment #2	10 pts
Draft of research paper	10 pts
Research paper	90 pts
Midterm #2	70 pts (30 essay, 30 objective)
Objective final	40 pts
Extra credit up to	20 pts
Total of	320 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. 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. **All written materials should be backed up on your computer or on a disk. Students must submit hardcopies of their work to the instructor; emailed assignments will only be accepted under exigent circumstances with permission by the instructor.**

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.*

TUTORING/WRITING ASSISTANCE

The Learning Assistance Resource Center (LARC) is located in Room 600 in the Student Services Center. It is designed to assist students in the development of their full academic potential and to inspire them to become independent learners. The Center's tutors are trained and nationally certified by the College Reading and Learning Association (CRLA). They provide content-based tutoring in many lower division courses (some upper division) as well as writing and study skills assistance. Small group, individual, and drop-in tutoring are available. Please visit the LARC website for more information (<http://www.sjsu.edu/larc/>).

STUDENTS ARE ALSO URGED TO TAKE ADVANTAGE OF THE WRITING TUTORS AVAILABLE IN THE WRITING CENTER ON THE FIRST FLOOR OF CLARK HALL. AFTER YOUR APPOINTMENT THEY WILL CONTACT ME SO WE CAN WORK TOGETHER TO PRODUCE YOUR BEST WRITING.

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>. We will be using Turnitin.com this semester.

COURSE SCHEDULE

8/23 WEEK 1

I INTRODUCTION-MULTIDISCIPLINARY APPROACH

- a. Concepts of identity, race, gender and class.
- b. Readings: Healey, Cp. 1-2**
- c. History of Prejudice & Discrimination-Video Shadow of Hate
- d. Hate Crimes (lecture notes only)
- e. Handout on theories of Prejudice & Discrimination
- f. Small group discussion on handout & Video

8/30 WEEK 2

- g. Continue unfinished week 1 materials
- h. Readings: Healey, Cp. 3, Lindgren Cp. 2/DP/EP**
- i. Video—either Crash or Grand Torino; **papers due 9/27&29**
- J. Small group discussions of Video

9/6 WEEK 3 (no class 9/6 Labor Day)

- k. Continue unfinished week 1 materials
- l. Discussion of Research /**ESSAY QUESTIONS POSTED FOR MT#1**
- m. *Extra credit readings: Hurtado, Chicana/o Identity in a U.S. Society, Struggle for Ethnic Identity, Narratives of Asian Americans, Steele, Whistling Vivaldi and other Clues to how Stereotypes Affect Us, Half and Half (writers on growing up Racial and bi-cultural).*

9/13 Week 4

II HISTORICAL CONTEXT OF DISCRIMINATION

- a. Native Americans; history, discrimination, tribal law, class actions.(lecture only)
- b. Readings: Healey, Cp. 7
- c. Video: Ishi-The Last Yahi, PBS.
- d. In class writing assignment.
- e. Continued discussion and approval of Research topics
Extra Credit reading; Sherman, The Toughest Indian in the World, Erdrich, anything by this author, Pelter, Prison Writings, My life is my Sun Dance.

9/20 Week 5

- f. African/American history, discrimination, law (lecture)
- g. Readings: Healey Cp. 6**
- h. Civil Rights Act, Executive Orders, USSC cases (lecture)
- i. If time, Video on the **Freedom Riders**.
- j. *Extra Credit Reading: McBride, The Color of Water.*

- 9/27 Week 6
- k. **Review posted for objective section of MT #1(10/4-5)**
Research paper books final approval
Review for Midterm
Small group review discussions
- 10/4 Week 7
- l. **Monday 10/4 objective midterm, mt essay due**
Tuesday 10/5 objective midterm, mt essay due
 - n. Hispanic history, discrimination, law (lecture)
 - o. Readings: Healey Cp.8. *Extra credit readings: anything by Isabel Allende*
- 10/11 Week 8
- p. Zootsuit Riots, Video and in class writing assignment
 - q. Small group discussion
 - r. Begin Asian history, discrimination, law (lecture)
 - s. Reading: Healey Cp. 9; *Extra credit reading: anything by Amy Tan or Lisa Se;Liu, Accidental Asian, Pham; Catfish and Mandala..*
- 10/18 Week 9
- t. The Story of Fred Korematsu Video PBS
 - u. Small group discussion.
 - v. Religious Minorities, history, discrimination, law (lecture)
 - w. **Essay for Midterm # 2 posted; Due Nov.8/9**
- 10/25 Week 10
- III STRUCTURED EQUALITY AND INEQUALITY**
- a. Gender Discrimination/Patriarchal Tradition
 - b. Lindgren Cp. 1-bring text, be prepared if your case is called!
 - c. Equal Employment Opportunity
 - d. Lindgren Cp. 3 Title VII, BFOQ, class actions
- 11/1 Week 11
- e. Working Conditions, sex harassment, benefits, Affirmative action.
 - f. Lindgren Cp.4 pgs134-163; 182-195
 - g. Bring text, be prepared if your case is called!
 - h. Review posted for Objective section of Midterm #2
- 11/8 Week 12
- i.**11/8&9/ Midterm #2 essay due, Objective Midterm.**
Research paper outlines due
 - j.11/11 Thursday No Class, Veterans Day
- 11/15 Week13
- k. Equal Educational Opportunities, Title IX, single gender Schools, inequitable availability of resources.
 - l.Lindgren Cp. 5 Pg. 200-233, bring text, be prepared if your

case is called!

IV POWER AND CLASSISM

- m. The Family, marital relations, custody/care of children, new definitions of family.
- o. Lindgren Cp. 6 pgs 251-258; 277-319. Bring text, be prepared if your case is called!

11/22 Week 14

- p. Reproductive choices, Assisted Parenthood.
- q. Lindgren Cp. 7, bring text, be prepared if your case is called!
- r. Research papers due!

11/29 Week 15

- s. Homelessness-class notes only
- t. Disabilities & Law-posted article
- u. Agism & Law-class notes only

12/6 Week 16 **V CULTURAL PLURALISM & EQUALITY**

- v. Challenges for our Future
- w. Text: Healey, Cp. 11, Minority Groups, contact, assimilation power, competition and pluralism.

Dec 8&9

**LAST DAY OF INSTRUCTION; FINAL: MW: DEC.17 1330-1400
TTH: DEC.13 1330-1400**

RESEARCH PAPER REQUIREMENTS

1. The paper must be a total of 8 typed pages, 12 font, 27 lines per page. Quotes should not be longer than a few lines, and MUST BE single spaced and Indented.
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. **(turnitin.com)**
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 books supplied by Amazon, 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 faced by individuals. All are excellent reading and cover most 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 guided by the principles and concepts we will be studying this semester. There is 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. **An annotated outline or draft of the paper is due on the date in the greensheet. Copies of the journal articles must be attached. I will make suggestions for revisions and return them to the students. No final paper will be accepted without an outline I will also expect to speak to all students regarding the paper.**

RESEARCH PAPER GUIDELINES & PROMPTS

1. Reason for the student's book choice (5 pts)
2. Historical background of discrimination or inequality exhibited in your book (10 pts)
3. Examples of individual or institutional discrimination or injustice (10 pts)
4. Relationship between members of dominant and subordinate groups (10 pts)
5. Effects of oppression or injustice in terms of assimilation, denial of economic opportunity, lifestyle choices, incarceration, autonomy, etc. (10 pts)
6. How the justice system responded (or didn't) to the discrimination or injustice (10 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?(5 pts)

9. Sources , bibliography, footnotes.(5 pts)

10.Presentation, grammar, syntax, spelling, paragraphs (5 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 case.

Bernstein, Nell, *All Alone in the World*, *Children of the Incarcerated*) fate of children left behind
When parents are incarcerated. Excellent

Fadiman, Anne, *The Spirit Catches You and You Fall Down*, (cultural and medical clashes Between Hmong Chinese and American medicine in California) excellent.

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

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

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*.
Excellent review of legal and social issues.

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

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

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 gender identity, institutional exploitation, heartrending.

Grealy, Lucy, *Autobiography of a Face* (childhood memoir of a girl disfigured by cancer)
Appearance discrimination. Excellent. Should be read with Ann Patchett's Truth and Beauty
Which is also excellent.

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. Inspirational.

Burk, Martha, *Cult of Power*, sex discrimination in corporate America.
For those heading towards big business.

Bingham, Clara, **Class Action**, sex harassment in the mines of Minn. Incredible current evaluation of workplace and domestic violence.

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 written by the Dean of the UC Davis Law School. Excellent.

Kassindja, Fauziya, **Do they Hear Me When I Cry?**, FMG(Female Genital Mutilation) & immigration rights and one woman's fight for asylum.

McCort, Frank, **Angela's Ashes**, incredible story of triumph over Irish childhood lived in Poverty. Fantastic. He has three other excellent books as well.

McBride, James, **The Color of Water**, mixed race son's memoir of his Mom. Wonderful, he has a new book (2009) and wrote **The Miracle at St. Anna's**—an incredible look at Black soldiers in Italy during World War II.

Scholinski, Daphne, **The Last Time I Wore a Dress**, memoir of a girl institutionalized for 'male' behavior

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

Rodriguez, Richard, **Hunger for Memory**. The education of an Hispanic writer in America

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

Reyes, **Bernie Whitebear: An Urban Indian's Quest for Justice**, filipino-american activist story, Wonderful.

Londonna Harris: A Comanche Life, life on the reservation to wife of a senator. Wonderful.

Vincent, **Self-Made Man, one woman's year as a disguised man**, extremely interesting!

Vincent, **Voluntary Madness**, a year in a mental institution after writing Self-Made Man.

Yoshino, **Covering, the Hidden Assault on our Civil Rights**, a gay asian Yale professor's life

Crash Video Assignment

30 points-Must be typewritten.

The movie Crash, tells the interlocking stories of Blacks, Whites, Latinos, Koreans and Iranians all living in Los Angeles. There are cops and criminals, powerful or powerless, kind and cruel, all defined by their racism. Some are perpetrators of bigotry, others victims of it. All characters in the movie are emotionally or physically impacted by impulsive, thoughtless, in-your-face interchanges. Some characters may learn from their actions and appear redeemed by the end of the movie, although no attempt is made by the filmmaker to have a politically correct ending. Irony runs throughout the film in unexpected ways, and most of the characters maintain negative assumptions, based on stereotypes, even of those they care for. No character is untouched, as they continue to crash into each other, literally or figuratively. **Reference theory on prejudice and discrimination**

as you write your paper.

1. (10pts) Describe examples of how characters use stereotypes to bolster racism.
2. (10pts) Discuss how irony is a recurrent theme throughout the film
3. (10pts) How would you describe the personal evolution of both of the police officers in the film? Did either achieve redemption?

JS 132 In Class Writing Assignment

Video-PBS ISHI-10 POINTS POSSIBLE.

DESCRIBE HOW EACH OF THE FOLLOWING CONCEPTS WERE ILLUSTRATED IN THE VIDEO:

1. ETHNOCENTRICITY

2. MANIFEST DESTINY

3. HUMAN RIGHTS VIOLATIONS

4. EVOLVING STEREOTYPES OF NATIVE AMERICANS

5. TREATMENT OF ISHI BY THE SOCIAL SCIENTISTS/PHYSICIANS

JS 132 THE ZOOTSUIT RIOTS-PBS

IN CLASS WRITING ASSIGNMENT; DUE AT THE END OF CLASS.

1. WHAT HAPPENED AT SLEEPY LAGOON?

2. WHAT RESPONSE DID THE ANGLOS HAVE TO THE ZOOTSUITERS?

3. HOW DID LAW ENFORCEMENT DEPRIVE THE ZOOTSUITERS OF CIVIL RIGHTS?

4. HOW DID THE JUDICIARY DEPRIVE THE ZOOTSUITERS OF CIVIL RIGHTS?

5. HOW DID THE MILITARY DEPRIVE THE ZOOTSUITERS OF CIVIL RIGHTS?