

DEPARTMENT OF WOMEN'S STUDIES—UNIVERSITY OF CALIFORNIA, IRVINE
WOMN ST 60B: Gender & Law

Spring 2008
Tuesday/Thursday 5:00-6:20
Humanities Office Building 2 (HOB2) 131
<https://eee.uci.edu/08s/33570>

Instructor: Joe Bergeron
Email: jbergero@uci.edu
Office: Social Ecology I 226J
Hours: Tuesday/Thursday 3:00-4:20

COURSE DESCRIPTION

This course is designed for students interested in examining the intersections among various identities—gender, race, ethnicity, class, and sexuality—and American legal institutions. The central purpose of the course is to critically examine the law, particularly as it relates to questions of justice and inequality in the United States. Several questions are addressed in this course, including:

- How do law, politics, and policy intersect?
- How (and *why*) does the law change over time?
- How do legal reforms impact American lives and notions of citizenship and democracy in the United States?
- What are the *limitations* of the law as an agent for the production of social change?

In order to engage these broad theoretical questions, we will be analyzing several specific cases that may illustrate the legal theory in a very concrete manner.

COURSE OBJECTIVES

Students in this course will learn to:

- 1) **Explain** the dynamics surrounding the manner in which American law is continually reconstructed.
- 2) **Demonstrate** the limitations of the law and litigation in bringing about social change.
- 3) **Articulate** the rationales behind contemporary interpretations of American law in legal areas such as sexual harassment, employment discrimination, and lesbian, gay, bisexual, transgender, queer equality/rights.

SUPPORT FOR STUDENTS WITH DISABILITIES

Students who may need an accommodation based on the impact of a disability should contact me privately to discuss any specific needs. Also please contact the Disability Services Center at (949) 824-7494 to ensure that such accommodations are quickly implemented by the university.

ATTENDANCE REQUIRED TO ENROLL

Students registered in this course are expected to attend both the first and second class meetings, or they may be required to drop the course by the end of the second week of classes.

ONLINE COURSE EVALUATION

The student evaluation for this course will be available online at <https://eee.uci.edu> from Sunday, May 25, to Sunday, June 8. Completion of this evaluation will comprise a portion of your participation grade.

REQUIRED BOOKS TO PURCHASE (Available at the University Bookstore)

- Featherstone, Liza. 2004. *Selling Women Short: The Landmark Battle for Workers' Rights at Wal-Mart*. New York: Basic Books.
- Luibhéid, Eithne. 2002. *Entry Denied: Controlling Sexuality at the Border*. Minneapolis: University of Minnesota Press.
- Mezey, Susan Gluck. 2007. *Queers in Court: Gay Rights Law and Public Policy*. Lanham, MD: Rowman & Littlefield.

COURSE REQUIREMENTS

Your grade in this course will be based upon the following five components:

Attendance, Preparation, and Participation	300 points
Media Analysis Essay	200 points
Class Presentation of Media Analysis Essay	100 points
Midterm Exam	200 points
Final Exam	200 points
Total Points Available	1000 points

Following are more detailed descriptions of the course requirements:

1) *Attendance, Preparation, and Participation*. Class time will be used for interactive learning and dialogue. Regular and prompt attendance in all class sessions is thus mandatory. **Absences cannot be made up**. As this class is more of a seminar than a lecture, we will frequently be moving the desks and working in small groups to discuss the readings and learn differing perspectives from each other.

At the end of the day every Friday, I will post two reading guides on the class website. Please print these out, take notes, and bring them to class. Be prepared to discuss the terms and questions addressed in each reading guide during the following week's class sessions (one reading guide for each class meeting).

There will be various other in-class activities.

2) *Media Analysis Essay*. This essay should be approximately 4-5 pages (1200-1500 words). Your particular date to turn in the essay will be assigned during the first week of class. The purpose of the essay is to relate the assigned reading to current issues, as reported in the news media. Specifically, you must:

- **Identify** a central concept in the reading.
- **Find** cases in the media that illustrate that key concept.

You will need to reference four news resources (not editorials) to amplify your analysis. To give you some examples, we will be looking at a number of such articles in class, and I will post links

to these articles on the class website. Please do not include publicly-edited online encyclopedia articles, particularly Wikipedia, as one of your four resources.

An excellent source for legal news is **FindLaw** (<http://news.findlaw.com>), which has an extensive database of articles divided by theme. Another great source is the **National Sexuality Resource Center** (<http://nsrc.sfsu.edu>), which has a database of articles relating to gender and legal issues.

Please cite a print newspaper or magazine article in your bibliography using the following format:

- Lochhead, Carolyn. 2007. "Veto Threat for Federal Hate Crimes Protection for Gays," *San Francisco Chronicle*, May 4, A5.

Please cite a newspaper article or other resource from the internet in your bibliography using the following format (the date in parentheses is the date you retrieved the information):

- Leff, Lisa. 2008. "Gay Marriage Returns to California Court," Associated Press, March 4. http://news.findlaw.com/ap/other/1110/03-04-2008/20080304100505_12.html (March 28, 2008).

When you paraphrase or cite material from the course readings, please cite the appropriate page numbers in the text of your paper and then list the readings in your bibliography.

Essays will be graded following three criteria:

- 1) *Organization*. The essay should have a clear introduction, body, and conclusion.
- 2) *Clarity*. The essay should be easy to read and free of grammatical errors.
- 3) *Thoroughness*. The essay should thoroughly address the concerns outlined above.

3) *Presentation of Media Analysis Essay*. On the day that your essay is due, please prepare a 10-minute presentation. This assignment is intended for you to share your written assignment with the class in a **visual** manner and to stimulate some dialogue with your creativity. Your presentation may be in PowerPoint format and may utilize the internet to present a brief video clip, image, or other visual material.

4) *Midterm Exam*. The midterm will take place in class on Tuesday, April 22, and will include several short answer questions and/or longer essays. **Please bring a blue book**. We will review for the exam in class on Thursday, April 17.

5) *Final Exam*. The take-home final will be assigned on Tuesday, June 3, at the end of class and will be due in my office by Tuesday, June 10, at 5:00pm. The final will consist of an essay in which you examine the California Supreme Court's *In re Marriage Cases* ruling, which is due on June 2, 2008.

SCHEDULE OF CLASS SESSIONS

Part I: The Big Picture—Reconstructions of American Law

Tuesday, April 1: Introduction and Overview of the Course

Class introductions.

Discuss syllabus.

Go over reading guide for Thursday, April 3.

Thursday, April 3: Conceptualizing American Law through Immigration Policy History

Reading: Luibhéid, pages 1-29.

Discuss language used by author.

Analyze assorted news articles.

Assign due dates for media analysis essays.

Clarify essay and presentation assignments.

Tuesday, April 8: Government Construction of “Undesirable Immigrants”

Reading: Luibhéid, pages 31-54.

Thursday, April 10: Government Monitoring of Immigrant Sexual Relationships

Reading: Luibhéid, pages 55-76.

Tuesday, April 15: Excludable Queer Immigrants

Reading: Luibhéid, pages 77-101.

Thursday, April 17: Sexual Violence at the U.S.-Mexico Border

Reading: Luibhéid, pages 103-135.

Tuesday, April 22: Midterm Exam. Please Bring Blue Book.

Part II: Working with the American Legal System

Thursday, April 24: Overview of Legal Terminology and Key Court Cases

Reading (**Online Reserve**): Mezey, Susan Gluck. 2003. *Elusive Equality: Women’s Rights, Public Policy, and the Law*. Boulder, CO: Lynne Rienner Publishers, pages 5-38.

Tuesday, April 29: Employment Discrimination and Title VII of the Civil Rights Act of 1964

Reading (**Online Reserve**): Cochran, Augustus B. 2004. *Sexual Harassment and the Law: The Mechelle Vinson Case*. Lawrence: University Press of Kansas, pages 1-24, 48-56.

Thursday, May 1: Fighting Sexual Harassment in the Courts

Reading: Cochran (**Online Reserve**), pages 57-90.

Tuesday, May 6: Supreme Court Rationale in *Meritor Savings Bank v. Vinson* (1986).
Reading: Cochran (**Online Reserve**), pages 91-127.

Thursday, May 8: Employment Discrimination at Wal-Mart
Reading: Featherstone, pages 1-50.

Tuesday, May 13: Building a Class Action Lawsuit Against the World's Largest Corporation
Reading: Featherstone, pages 51-153.

Thursday, May 15: Prospects for a Successful Class Action
Reading: Featherstone, pages 154-260.

Part III: Limits to Categorization—Queer Lives in American Law

Tuesday, May 20: Gender Restrictions within American Law
Readings (**Both Online Reserve**): Currah, Paisley. 2006. "Gender Pluralisms under the Transgender Umbrella." In *Transgender Rights*, eds. Paisley Currah, Richard M. Juang, and Shannon Price Minter. Minneapolis: University of Minnesota Press, pages 3-31.

Greenberg, Julie A. 2006. "The Roads Less Traveled: The Problem with Binary Sex Categories." In *Transgender Rights*, eds. Paisley Currah, Richard M. Juang, and Shannon Price Minter. Minneapolis: University of Minnesota Press, pages 51-73.

Thursday, May 22: Legal Dynamics in the Lesbian, Gay, Bisexual, Transgender Coalition
Reading (**Online Reserve**): Minter, Shannon Price. 2006. "Do Transsexuals Dream of Gay Rights? Getting Real about Transgender Inclusion." In *Transgender Rights*, eds. Paisley Currah, Richard M. Juang, and Shannon Price Minter. Minneapolis: University of Minnesota Press, pages 141-170.

Tuesday, May 27: A History of Queers in the Courts
Reading: Mezey, pages 15-44.

Thursday, May 29: Decriminalizing Consensual Sexual Relations
Reading: Mezey, pages 45-86.

Tuesday, June 3: Assimilation or Pushing the Envelope? Perspectives on Same-Sex Marriage
Reading: Mezey, pages 87-133.

Assign Take-Home Final Exam.

Thursday, June 5: **No Class.**

Tuesday, June 10: FINAL EXAM DUE at 5:00pm. Turn in to my office.