

## **WGSS 395: Gender, Race, Sexuality & the Law**

University of Massachusetts-Amherst | Spring 2019

TuTh 1:00-2:15 | Dickinson 212

**Instructor: Adina Giannelli, JD**

*gender pronouns:* she/her/hers

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Office Hours: South College W415 | MW 1-2pm & by appointment

This seminar will consider gender, sexuality, and race in the realm of the law, with a focus on questions of identity, privacy, and family. Drawing on U.S. Supreme Court jurisprudence, gender and sexuality studies, sociological literature, policy papers, documentary, and international law, we will examine the ways in which gender, sexuality, and race are constructed, contested, and regulated within legal, legislative, and juridical frameworks, across systems, spaces, and temporalities.

Our course will explore relevant issues and problems within civil rights, constitutional, family, and criminal law, considering topics including: the legal construction of race, gender, and sexuality; feminist approaches to the law of gender, sexuality, and race; the role of privacy, morality, and "rights" in the regulation of sexuality and the family; reproductive rights; adoption, bioethics, family formation, immigration, reproductive technologies, and violence; and finally, the relationship between legal intervention, critical race & feminist theory, activism, and praxis.

### **- GENERAL EXPECTATIONS -**

1. Students are expected to come to class on time, having carefully read the material assigned, and ready to engage in serious discussion.

**Students are expected to silence and put away their cell phones and computers for the duration of class.** Participation is required, and critical to your success in this class. In addition, everyone is asked to do the following:

- (i) **Respect your classmates' rights to speak**, and listen attentively to what is being said, even if you disagree with what your peers

might have to say. **You don't have to agree with everything that is said in class, but you are expected to use discretion and sensitivity when speaking, and be respectful of everyone present.**

- (ii) **Be willing to consider new ideas.** Over the course of the semester, we will explore themes, concepts, and material that may be new, challenging, and unfamiliar. **This is the art of a good education. Keep an open mind.**
- (iii) **Participate actively.** We all learn best when we are present and engaged in the course material. **Don't be afraid to ask questions.** This is why we are here!
- (iv) **If you have a question, an issue, a need, a concern, or a problem that cannot be addressed in class, please send me an email at your earliest convenience.**

## COURSE REQUIREMENTS

**Your grade in this course will be based on the following components:**

Component	Percent of Grade	Due Date(s)
<b>Class Participation</b>	20%	ONGOING
<b>Online Discussion Forum</b>	20%	Ongoing/assigned per class session. You complete ten (10) over the course of the semester.
<b>Film Review</b>	10%	<b>Monday, 3/5</b> in class
<b>Final Project Meeting</b>	ungraded but mandatory	Meetings scheduled between <b>2/25-3/9</b>
<b>Final Project</b>	30% project: 25% presentation: 5%	PRESENTATIONS: <b>4/17-5/1</b>
		PROJECT: <b>Monday, May 1</b> in class
<b>Book Review</b>	20%	(Due Electronically <b>May 9</b> (last day of finals))

**Regarding Class Participation:** Class participation is mandatory. (For additional information on attendance and participation, see “Regarding Attendance and Participation” below.)

**Regarding Online Discussion Forum:** Each student will participate in an online discussion forum via Moodle. Students are expected to complete ten (10) discussion forum posts over the course of the semester, of 200-250 words each, responding to a reading-related question, and posing a question for the next respondent. Unless otherwise specified, discussion forum posts are due by 9am the day of class.

**Regarding the Midterm:** Your midterm will take the form of a film review. Students will screen and critically review a text, selected from a list provided, in consideration of course themes, readings, and discussions. **\*\*More information and guidelines to follow.\*\***

**Regarding the Final Project:** Your final project will be student-directed and self-designed, in consultation with your instructor. **\*\*More information and specific guidelines to follow.\*\***

**Regarding the Final Exam:** The final assignment will assume the form of a book

review, due electronically by the last day of final exams (Thursday, May 9, 2019). \*\*More information and specific guidelines to follow.\*\*

## **REGARDING ATTENDANCE AND PARTICIPATION**

Attendance is mandatory and critical to your success in this course. All students are allowed two unexcused absences over the course of the semester. Please note: Each additional unexcused absence will result in a 2-point reduction of your final grade.

For an absence to count as excused, it must relate to an illness, emergency, religious observance, or documented athletic conflict.

## **REGARDING EVALUATION OF YOUR WORK**

If you are dissatisfied with any evaluation of an assignment or your performance in this class, you may petition your grade **in writing, no earlier than 24 hours after I have returned graded work to you.** To do so, you need to submit to me a typed explanation detailing why you believe the grade is unwarranted, what grade you feel you deserve with arguments in support of your request, a reply to my comments on your work (e.g. if I say that your explanation is too brief, you should argue why it is not), and a copy of *the original piece of written work.*

## **COURSE POLICIES**

All undergraduate students are responsible for complying with the rules, regulations, policies, and procedures contained in this publication as well as those in other official University publications and announcements which may be issued from time to time. This document includes policies on absences, grading, late withdrawal and related issues. <https://www.umass.edu/registrar/students/policies-and-practices/academic-regulations>

**Academic Honesty:** Academic dishonesty, in any form, will not be tolerated and you are responsible for educating yourself about the University's official policy on academic honesty. Following is a summary (you can read it in full at [http://www.umass.edu/dean\\_students/code\\_conduct/acad\\_honest.htm](http://www.umass.edu/dean_students/code_conduct/acad_honest.htm)): "If an instructor finds that a student has violated the University's Academic Honesty Policy, the instructor has the right to lower the student's grade, or even to fail the student for the course. Students have the right to appeal such a grade penalty by an instructor. The University Academic Honesty Board, which must be notified by instructors of any grade penalty, reviews all student appeals. The Board may sustain or recommend modification of the penalty given by the faculty member, or may recommend sanctions exceeding those originally given, such as suspension or expulsion from the University. The Board may also recommend sanctions for offenders who have committed multiple violations of the Academic Honesty Policy but who have not appealed the faculty members' decisions."

**Accessibility:** The University of Massachusetts Amherst is committed to providing an equal educational opportunity for all students. If you have a documented physical, psychological, or learning disability on file with Disability Services (DS), Learning Disabilities Support Services (LDSS), or Psychological Disabilities Services (PDS), please notify me within the first two weeks of the semester so that we may make appropriate arrangements:

<http://www.umass.edu/disability/procedures.pdf>

**Pronoun Use:** There is a long history of dialogue and activism around how we address one another, with respect to both names and pronouns. Students should be referred to by the name they prefer, and with the proper pronunciation, by faculty and other students. I will gladly honor your request to address you by the name and gender pronouns you prefer. Please advise me of your name's proper pronunciation, and any name or pronoun preferences not reflected in Spire early in the semester so that I may make appropriate changes to my records.

Women, Gender, Sexuality Studies (WGSS) classes are a place where issues of sexual violence and other sexual misconduct are discussed as a matter of course. It's not a taboo subject, and feminists have long worked to develop theory and activism around sexualized violence, including rape, dating violence, child sexual abuse, and the like. If you want to discuss your own personal experiences of sexual violence in a class, we don't consider that a "report" covered by Title IX (although if you want faculty help and support in reporting sexual violence, we are here to help you do that). Other available resources on campus for addressing sexual violence include both confidential and non-confidential resources—non-confidential resources will keep your concerns private but will report your concerns to the Title IX coordinator, or, the Dean of Students Office who will provide you with different options to assist you. Confidential resources will keep your concerns confidential and will provide you support, assistance in addressing safety concerns as well as other services such as providing you with an advocate. The resources can be found at [www.umass.edu/titleix/](http://www.umass.edu/titleix/).

WGSS Librarian: WGSS has specialized librarians, Isabel Espinal and Anne Moore who can assist students with research. These librarians have developed a subject area research guide which has links and information to contact them directly.

<http://guides.library.umass.edu/wost>

### **WGSS HAS A WRITING TUTOR:**

You can access everything you need to know about WGSS Writing Tutoring (announcements, session sign ups, resources, office hours, updates, a writing blog, etc.) on the Tutoring Website, [www.wgsswritingtutor.com](http://www.wgsswritingtutor.com).

Email: [wgsswritingtutor@gmail.com](mailto:wgsswritingtutor@gmail.com).

### **REGARDING WRITTEN WORK**

IF YOU WOULD LIKE FEEDBACK ON ANY ASSIGNMENT BEFORE IT IS DUE, I AM HAPPY TO PROVIDE THIS. SIMPLY EMAIL ME A COPY OF YOUR WORK NO LATER THAN 48 HOURS PRIOR TO ITS DUE DATE, AND I WILL READ AND RETURN THIS TO YOU WITH MY COMMENTS AND SUGGESTED REVISIONS.

**COURSE READINGS & ASSIGNMENTS** (subject to change)

*Note: All readings will be available on the course Moodle, and are due on the date listed. (In other words, the reading for Thursday, January 24 is due on that date.) I will regularly assign supplemental readings events in conjunction with the cases outlined below. These will be indicated on the course Moodle page.*

**Week One: Introductions****Day One**  
**Tu. Jan 22****Introduction to Course**

Review of Syllabus, Course Expectations, Survey, Preliminary Questions

**Day Two**  
**Th. Jan 24****The Role and Function of the Law**

Funk, David. 1972. "The Major Functions of Law in Modern Society." 278-299

**Week Two: How to Read & Brief a Case****Day Three**  
**Tu. Jan 29**

Dred Scott (1857)

**Day Four**  
**Th. Jan 31**

Comstock Act (1873)

**Week Three:****Day Five**  
**Tu. Feb 5**

Plessy v. Ferguson (1896)

**Day Six**  
**Th. Feb 7**

Immigration Act (1924); Racial Integrity Act (1924)

**Week Four:****Day Seven**  
**Tu. Feb 12**

Buck v. Bell (1927)

**Day Eight**  
**Th. Feb 14**

Executive Order 9066 (1942)

**Week Five:****Day Nine**  
**Th. Feb 21**

Brown v. Board of Education (1954)

<b>Week Six</b>	
<b>Day Ten</b> <b>Tu. Feb 26</b>	Civil Right Act (1964)
<b>Day Eleven</b> <b>Th. Feb 28</b>	Voting Rights Act (1965)
<b>Week Seven</b>	
<b>Day Twelve</b> <b>Tu. Mar 5</b>	<i>FILM REVIEW DUE IN CLASS</i> Griswold v. CT (1965)
<b>Day Thirteen</b> <b>Th. Mar 7</b>	Loving v. Virginia (1967)
<b>March 10-March 17   SPRING BREAK   Have Fun Be Safe</b>	
<b>Week Eight</b>	
<b>Day Fourteen</b> <b>Tu. Mar 19</b>	Title IX (1972)
<b>Day Fifteen</b> <b>Th. Mar 21</b>	Roe v. Wade (1973)
<b>Week Nine</b>	
<b>Day Sixteen</b> <b>Tu. Mar 26</b>	Indian Child Welfare Act (1978)
<b>Day Seventeen</b> <b>Th. Mar 28</b>	Bowers v. Hardwick (1986)
<b>Week Ten</b>	
<b>Day Eighteen</b> <b>Tu. Apr 2</b>	Planned Parenthood v. Casey (1992)
<b>Day Nineteen</b> <b>Th. Apr 4</b>	Don't Ask Don't Tell (1994)/Repeal (2010)
<b>Week Eleven:</b>	
<b>Day Twenty</b> <b>Tu. Apr 9</b>	Violence Against Women Act (1994) & Reauthorization (2003)
<b>Day 21</b> <b>Th. Apr. 11</b>	Welfare Reform/PRWOA (1996).
<b>Week Twelve</b>	
<b>Tu. Apr 16</b>	<i>NO CLASS</i>
<b>Day 21</b> <b>Th. Apr 18</b>	Gonzales v. Carhart (2003); Lawrence v. Texas (2003)

**Weeks Thirteen & Fourteen: STUDENT PRESENTATIONS**

<b>Day 22</b> <b>Tu. 4/22</b>	Obergefell v. Hodges (2015)
<b>Day 23</b> <b>Th. 4/24</b>	STUDENT PRESENTATIONS
<b>Day 24</b> <b>Tu. 4/29</b>	STUDENT PRESENTATIONS <i>Jordan, June. "Some of Us Did Not Die."</i>
<b>Day 25</b> <b>Tu. 5/1</b>	<b>LAST DAY OF CLASS</b> STUDENT PRESENTATIONS <i>Baldwin &amp; Lorde. "Revolutionary Hope."</i>

