RACE, RAPE CULTURE, AND THE LAW

FALL 2019 - Mondays 2:45-5:35pm
Husted 12 (UAlbany Downtown Campus)

---------------------------------------------------------------------------------------------

FACULTY

Professor Janell Hobson
University at Albany, Department of Women's, Gender, and Sexuality Studies
Humanities 355B
Office Hours: Tuesdays 2:00-4:30pm, & by appointment
Email: jhobson@albany.edu

Professor Donna Young
Albany Law School
1928 Building, Room 420
Office Hours: Tues & Thurs 10:30 - noon, & by appointment
Email: dyoun@albanylaw.edu
Assistant: Sherri Meyer, Room 301, 445-3335

For assistance with CANVAS contact Dr. Patricia Baia: pbaia@albanylaw.edu

COURSE OVERVIEW

Race, Rape Culture, and the Law is cross-listed between the Department of Women's, Gender, and Sexuality Studies and Albany Law School. The seminar will examine the extent to which law and social attitudes contribute to normalizing and/or trivializing sexual harassment and assault against women. The changing social landscape in which rape law in the United States has been defined and enforced exposes both hostility towards women’s dignity and physical integrity, and fear and misunderstanding of black sexuality. This seminar is designed to familiarize students with the fundamentals of sexual harassment and sexual assault law and the ways in which race, gender, and identity are implicated in the legal treatment of these issues. Utilizing case studies and historical examples through the lens of intersectional analyses, this course will address the difficult questions of how to move toward an anti-racist and anti-rape society while also examining the social and cultural causes that act as barriers to this progression.
LEARNING OBJECTIVES

The seminar will contribute to the acquisition of essential analytical skills essential for the study of law and graduate level study in the humanities (synthesis, analysis, strategies and reasoning, statutory interpretation, advocacy, communication, professionalism, and critical thinking). Each student will be required to participate in classroom discussions in order to become familiar with organizing material, facilitating discussion, and communicating ideas. For the presentation and research paper, each student will be required to choose a topic, formulate a thesis, research primary and secondary sources, advocate a position, communicate orally and in writing, and organize a scholarly research paper using proper format and citation. Each student will be expected to:

1. Demonstrate ability to communicate effectively in writing and orally.
2. Demonstrate basic research skills including legal analysis, legal reasoning and problem-solving.
3. Demonstrate the ability to exercise proper professional and ethical responsibilities necessary for the practice of law or for any other chosen profession.
4. Demonstrate knowledge and understanding of a professional responsibility to advance the mission of service to the underrepresented so that all individuals have equal access to the privileges of our justice system or other social services.
5. Demonstrate an awareness and understanding of the knowledge, skills, and values necessary to be a competent and effective lawyer or other professional in a multicultural world.

LEARNING OUTCOMES

This course provides a survey of historical texts, documentaries, literature, case-law, and legislation in order to understand and contextualize the regulation of race and gender within an intersectional framework. It is designed to familiarize students with historical and contemporary accounts of the ways in which the laws of rape, sexual harassment, and civil rights operate within the United States. For WGSS MA students, this course may count as an “intersections” requirement.

At the end of this course, students should be able to:

1. Demonstrate foundational knowledge and understanding of key concepts and critiques of the laws of sexual harassment and sexual assault and their intersections with key topics including how the American system of slavery, Jim Crow, and current social trends interact with rape culture.
2. Demonstrate an ability to apply knowledge of legal rules and critical thinking skills to perform competent legal analysis, reasoning, and problem solving;

3. Demonstrate professional judgment and professionalism through conduct consistent with professional values and standards.

4. Demonstrate knowledge and understanding of the lawyer’s professional responsibility to advance the mission of service to the underrepresented so that all individuals have equal access to the privileges of the American system of justice.

REQUIRED READINGS


These books can be purchased at the bookstores on both UA and Albany Law campuses. Additional readings (articles, cases, legislation) will be assigned in advance.

ATTENDANCE POLICY
Students are expected to participate in and attend class regularly and follow their institution’s attendance policies as set out in their student handbook.

<table>
<thead>
<tr>
<th>GRADING POLICY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assignment</td>
</tr>
<tr>
<td>Research Paper</td>
</tr>
<tr>
<td>Public Scholarship</td>
</tr>
<tr>
<td>Participation</td>
</tr>
<tr>
<td>Presentation</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>
RESEARCH PAPER (50%) - DUE DECEMBER 13.

The final research paper must center on a topic dealing with gender, race and rape culture. The length of the paper will be roughly 15 to 20 pages, including footnotes/endnotes. For law students, by arrangement with Professor Young, the paper may fulfill the law school’s upper year writing requirement (approx. 20 to 25 pages in length). For all students, a one-page paper proposal is due Monday October 21, setting out what each student wishes to address in their paper. The proposal is mandatory but will not be formally graded. Failure to submit the proposal will result in a lower final grade.

The paper must be submitted on the class CANVAS board no later than 5:30PM EST on December 13, 2019.

PUBLIC SCHOLARSHIP (20%) – HARRIET TUBMAN TIMELINE EXHIBIT PROJECT

In commemorating the 170th anniversary of the escape of Harriet Tubman in the fall of 1849, a special exhibit will take place at the Albany Barn, located in downtown Albany, which will be on public display beginning November 22, 2019. As a class, we have been invited to participate and contribute to this exhibit. We will construct a timeline that includes important dates from the life of Harriet Tubman, as well as significant dates relating to both legal and social histories impacting race, gender, rape culture, and the law. We will devote two days of class time to putting this timeline together: first, on September 30, the UA students will meet to begin work on the timeline (this is the day when Albany Law students have the holiday off); then, on October 14, the law students will meet while the UA students have the holiday off. On October 21, we will convene together and devote half of class time to coalesce the work we have done on the timeline. We will need student volunteers to devote some time to installing the timeline at the Albany Barn before its November 22 opening. In addition to this work, we anticipate an organized field trip to see the movie, Harriet, opening in theaters the weekend of November 1, 2019.

PARTICIPATION: 15%

Fifteen percent of the final grade will be based on participation in classroom discussions of assigned materials, participating in online Canvas discussions, and regularly attending class. This is an active learning class (the professors will not lecture) structured to use in-class discussions as a vehicle for examining contemporary issues and controversies relating to gender, race, and rape culture. In addition to regularly participating in class, students will prepare questions, comments, or reactions to the assigned readings in a 100 to 250 word post on CANVAS at least 24 hours before class time. These posts will be used to facilitate discussion during class.

Please begin reading assignments well in advance of their due dates.
PRESENTATION: 15%

Fifteen percent of the final grade will be based on a student’s presentation. At the end of the semester, each student will present their research paper to the rest of the class. The presentations will be in the form of an academic panel addressing the issues raised in the final research paper. Students will respond to any questions addressed to them. The schedule for the presentations will be announced in advance. The final presentation and paper require students to choose a topic, formulate a thesis, research primary and secondary sources, advocate a position, communicate orally and in writing, and organize a scholarly research paper using proper format and citation.
FALL 2019 SCHEDULE/COURSE ASSIGNMENTS

INTRODUCTION

Aug. 19

The UAlbany fall semester does not begin until Monday, August 26th. To accommodate the difference in start date, our class discussion for August 19th will take place online via our class CANVAS page. The assignment for our August 19th online class is as follows:

On the class Canvas page:

1. Briefly tell the class about yourself and your interest in taking "Race, Rape Culture, and the Law"

2. Post a discussion question and/or comment on the three online essays assigned for August 19 (See below).

3. Respond to at least two other student posts to generate online discussion

4. Feel free to post your responses at any time before Friday, August 23rd.

Selected Readings:

"Rape Culture 101: What is Rape Culture?": https://yourdream.liveyourdream.org/2017/04/rape-culture-101what-is-rape-culture/


"The Effects of #MeToo on Film's Violent Male Gaze": https://themuse.jezebel.com/the-effects-of-metoo-on-films-violentmale-gaze-1823371088

“The Rape Culture Myth”
https://arcdigital.media/the-rape-culture-myth-5e8f968b5c76

5. In addition to the above readings, please read Kimberle Crenshaw's Mapping the Margins (posted on Canvas). We will discuss this on August 26th, in class.
Aug. 26
Introductions, Course overview, Discussion of Crenshaw article, and Follow up on Online Posts.

**FIGHTING RAPE THROUGH THE LAW**

Sept. 2
No Class - Labor Day
*PREPARE FOR UPCOMING READING ASSIGNMENTS*

Sept. 9
Online Readings:
Emily Shugerman, *Linda Fairstein Apologizes. But Not for the Central Park Five*;
Linda Hirshman, *Remember That the Prosecution of the Central Park Five Failed Women, Too*;
Lauren Aarons, *Is Justice the Antidote to Sexual Violence in Conflict? Why Amal Clooney is Only Half Right*.
Carrie Baker, *What the Epstein Case Means for the Fight to End Sex Trafficking*.

**WOMEN AND SLAVERY**

Sept. 16
Online Readings:
Harriet Jacobs, “The Trials of Girlhood,” from *Incidents in the Life of a Slave Girl*;
Angela Davis, *Reflection on the Black Woman’s Role in the Community of Slaves*;
Mia Bay, *In Search of Sally Hemmings in the Post DNA Era*;
Brenda E. Stevenson, “What’s Love Got to Do with it?” *Concubinage and Enslaved Women and Girls in the Antebellum South*;
Sept. 23 (Guest - Professor Anthony Farley - tentative)

*Celia, A Slave.*

Additional Readings:


Sept. 30

Albany Law School holiday – no class
University at Albany – Harriet Tubman Timeline Project.

RAPE, LYNCHING, AND JIM CROW

Oct. 7

*Southern Horrors: Women and the Politics of Rape and Lynching.*


Oct. 14

University at Albany holiday – no class
Albany Law School – Harriet Tubman Timeline Project.

Oct. 21

Discussion: Harriet Tubman Timeline Project.
PAPER PROSAL DUE – up to one page.
Guest Lecture: Professor Rabi Musa

Oct. 28

*At the Dark End of the Street.*

Guest Lecture: Professor Deborah Post

BEYOND RAPE – SEXUAL HARASSMENT, INTIMATE PARTNER, AND STATE VIOLENCE

Nov. 4

Sexual Harassment Cases:


Film: *Anita – Speaking Truth to Power* (Freida Lee Mock, 2013).
Nov. 11
Holiday – no class.

Nov. 18
Invisible No More.

WHERE DO WE GO FROM HERE?

Nov. 25
Student Presentations.

Dec. 2
Student Presentations.

Dec. 9
Course Review and Potluck Celebration (optional for law students with exam conflicts).

Dec. 13
Final Paper Due on CANVAS – no later than 5:30PM EST.