



RACE, RAPE CULTURE, AND THE LAW

FALL 2018 - Mondays 1:15 – 3:05

Husted 12 (UAlbany Downtown Campus)

FACULTY

Professor Janell Hobson

University at Albany, Department of Women's, Gender and Sexuality Studies

Humanities 355B

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Professor Donna Young

Albany Law School

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Office Hours: Tuesdays 3:00 – 4:00 (except once a month for faculty meetings);

Wednesdays 10:00 to 11:30; by appointment

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

UAlbany will provide courtesy parking permits for ALS students taking the course. Students should visit "Parking Management" and provide Albany Law identification.

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. This seminar is interdisciplinary and will approach the subject matter through slave narratives, novels, autobiographies, film, music, law review articles, legislation, and case law.



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

Feimster, Crystal N. *Southern Horrors: Women and the Politics of Rape and Lynching*. Cambridge: Harvard University Press, 2011.

Jacobs, Harriet. *Incidents in the Life of a Slave Girl*, ed. Jean Fagan Yellin. Cambridge: Harvard University Press, 2009 (1861).

McClaurin, Melton. *Celia, A Slave*. Athens: University of Georgia Press, 1991.

McGuire, Danielle. *At the Dark End of the Street: Black Women, Rape, and Resistance – A New History of the Civil Rights Movement from Rosa Parks to Black Power*. New York: Random House, 2011.

Ritchie, Andrea J. *Invisible No More: Police Violence against Black Women and Women of Color*. Boston: Beacon Press, 2017.

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

GRADING POLICY

Assignment	Percent
Research Paper	60
Strategy Paper	15
Participation	10
Presentation	15
Total	100%



RESEARCH PAPER (60%) - DUE DECEMBER 13.

The final research paper must center on a topic dealing with gender, race and rape culture. The length of each 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 8**, 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, 2018**.

STRATEGY PAPER: (15%) - DUE OCTOBER 29

A 5 to 8-page strategy paper is due on Monday, October 29. The goal of this paper is to creatively imagine a strategy used in any of the historical cases studied in this course. For example, what would a legal strategy be for Celia's defense team or the prosecution; or how would you make an argument for Anita Hill had she pursued a sexual harassment lawsuit? The strategy may include but need not be a legal one brought before a court or tribunal; rather it could be an argument that you would employ to support a particular position. Keep in mind the issues of race and gender and how they intersect.

The paper must be submitted in class on **October 29, 2018**.

PARTICIPATION: 10%

Ten percent of the final grade will be based on participation in classroom discussion of assigned materials 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. Each student is expected to prepare questions, comments, or reactions to the readings.

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 2018 SCHEDULE/COURSE ASSIGNMENTS

INTRODUCTION

Aug. 20

Online Reading: Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*.

Aug. 27

Introductions, Course overview, Discussion of Crenshaw article.

INTERLUDE

Sept. 3

No Class - Labor Day

*PREPARE FOR UPCOMING READING ASSIGNMENTS

Sept. 10

No Class - Rosh Hashanah

*PREPARE FOR UPCOMING READING ASSIGNMENTS.

WOMEN AND SLAVERY

Sept. 17

Incidents in the Life of a Slave Girl.

Additional Readings:

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*;

Treva B. Lindsey and Jessica Marie Johnson, *Searching for Climax: Black Erotic Lives in Slavery and Freedom*.

Sept. 24 (Guest Lecture- Professor Anthony Farley)

Celia, A Slave.

Additional Readings:

Missouri v. Celia (1855) - <http://famous-trials.com/celia/183-documents>;

Dred Scott v. Sandford (1857) - <https://www.loc.gov/resource/llst.020>

RAPE, LYNCHING, AND JIM CROW

Oct. 1

Southern Horrors: Women and the Politics of Rape and Lynching. Chapters 1-5



Oct. 8

Southern Horrors Chapters 6-8.

Film: *Scottsboro: An American Tragedy* (Barak Goodman, 2000).

PAPER PROSAL DUE – up to one page.

Oct. 15

At the Dark End of the Street.

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

Oct. 22

Sexual Harassment Cases:

Title VII of 1964 Civil Rights Act; Meritor Savings Bank v. Vinson (1986); Ellison v. Brady (1991); Oncale v. Sundowner (1997); EEOC v. Scott Medical Health Center, P.C.; Tudor v. Southeastern Oklahoma State University; (Additional readings to be posted on CANVAS).

Oct. 29

Film: *Anita – Speaking Truth to Power* (Freida Lee Mock, 2013).

STRATEGY PAPER DUE.

Nov. 5

Invisible No More (Introduction through Chapter 5).

WHERE DO WE GO FROM HERE?

Nov. 12

Invisible No More (Chapter 6 through Conclusion).

Additional issues for discussion: Marital Rape, Sex Trafficking, #Metoo.

Nov. 19

Student presentations.

Nov. 26

Student Presentations.

Dec. 3

Student Presentations.

Dec. 10

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

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