

UNIVERSITY OF HAWAI'I AT MĀNOA
Department of Ethnic Studies
Fall 2011

ES 410: Race, Class and the Law

Instructor: Dr. Elisa Joy White
Office: 341 George Hall
Office Hours: Tuesday 1:30pm – 2:30pm or by appointment
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Class Location: BUSAD D105
Class Time: TR 3-4:15

Course Description:

Contemporary discussions around legal issues range from the significance of Supreme Court decisions and the constitutional rights of citizens to more superficial popular discussions of celebrity court cases and leading sensational stories on the local evening news. Even as legal discourse varies, it is apparent that race and class are inextricably linked to the court cases and decisions that define American society. This course will examine the role of legal decisions and key court cases in reinforcing and shaping the experience of race, class and culture among ethnic communities in the continental United States and Hawai'i. Additionally, the course will introduce students to the critical and theoretical discussion of race and class in a legal context.

The course has a Contemporary Ethical Issues Focus Designation and will involve the discussion and examination of the forms in which a range of legal cases represent the ethical dilemmas that emerge when considering the often contradictory relationship that laws and legal decisions have with the moral imperatives represented in the United States Constitution. Such contradictions and challenges are particularly demonstrated by the experiences of ethnic communities in the United States. Through the course lectures, readings, discussions and presented media, students will gain a better understanding of the ways in which issues pertaining to ethics are both philosophically understood and applied according to contemporary social norms.

Students are expected to complete all readings and to fully participate in class discussions. Additional class materials (e.g. films, articles, and other related media) will be provided during class meetings. Attendance is mandatory. Two unexcused absences are permitted. Periodically, students will be asked to present assigned readings to the class to enhance discussion and further critical engagement with the texts. As well, discussion questions (generated by students and/or the professor) which examine ethical concerns will be assigned. Student answers to discussion questions should be outlined and submitted to the professor.

Students are required to prepare one analysis of a current or recent legal case or court decision to present to the class for discussion and debate. The analyses will examine the social and political context of a chosen case and the means in which it challenges, maintains or serves to advance societal standards of ethical treatment. Additionally, each student will be required to submit a 10-12 page (double-spaced, typed) research paper on a topic related to class readings, media materials and lectures (approved in advance by the professor). Further guidelines for the presentation and final paper will be handed out later in the semester.

NOTE: IN-CLASS USE OF PERSONAL COMMUNICATION MEDIA

(i.e. smartphones, notepads, laptops, etc.) is limited to course-related assignments and materials, as directed by the professor. Any other usage is considered inappropriate and will prevent you from meeting the attendance and participation requirements for the class.

Course Requirements:

Attendance and Participation – 10%
 Discussion Questions/Outlines – 20%
 Class Presentation (Analysis of legal case) – 30%
 Final Research Paper – 40%

Required Texts:

Delgado, Richard and Jean Stefancic (2001) *Critical Race Theory: An Introduction*. New York: New York University Press. ISBN: 0814719317

Gordon-Reed, Annette (Ed) (2002) *Race on Trial: Law and Justice in American History*. Oxford: Oxford Press. ISBN: 0195122801

Merry, Sally Engle (1999) *Colonizing Hawai'i*. Princeton, NJ: Princeton University Press. ISBN: 0691009325

Tuesday August 23, 2011

Introduction to class

Historical Moments: Race, Class and Justice in the United States

Thursday August 25, 2011

“What is Ethics?” Article available at Laulima (ES 410)

Gordon-Reed Introduction

Tuesday August 30, 2011

Gordon-Reed Chapter 1

Thursday September 1, 2011

Gordon-Reed Chapter 2

Tuesday September 6, 2011

Gordon-Reed Chapter 3

Thursday September 8, 2011

Gordon-Reed Chapter 4

Tuesday September 13, 2011

Gordon-Reed Chapter 5

Thursday September 15, 2011

Gordon-Reed Chapter 6

Tuesday September 20, 2011

Gordon-Reed Chapter 7

Thursday September 22, 2011

Gordon-Reed Chapter 8

Tuesday September 27, 2011

Gordon-Reed Chapter 9

Special assignment related to Brown v. Board of Education

Thursday September 29, 2011

Research period for case presentation (guidelines submitted week of 9/22)

Tuesday October 4, 2011

Gordon-Reed Chapter 10

Thursday October 6, 2011

Gordon-Reed Chapter 11

Tuesday October 11, 2011

Gordon-Reed Chapter 12

Critical Race Theory

Thursday October 13, 2011

Delgado and Stefancic Chapter 1

Tuesday October 18, 2011

Delgado and Stefancic Chapter 2

Thursday October 20, 2011

Delgado and Stefancic Chapter 3

Tuesday October 25, 2011

Delgado and Stefancic Chapter 4

Thursday October 27, 2011

Delgado and Stefancic Chapters 5 and 6

Tuesday November 1, 2011

Delgado and Stefancic Chapter 7

Thursday November 3, 2011

Delgado and Stefancic Chapter 8

The Framing of “Race” and Justice in Hawai‘i

Tuesday November 8, 2011

Merry Chapters 1 and 2

Thursday November 10, 2011

Merry Chapter 3

Tuesday November 15, 2011

Merry Chapters 4 and 5

Thursday November 17, 2011

Merry Chapter 6

Tuesday November 22, 2011

Merry Chapter 7

Thursday November 24, 2011

Thanksgiving Break

Tuesday November 29, 2011

Merry Chapter 8

Thursday December 1, 2011

Merry Chapter 9

Tuesday December 6, 2011

Additional Reading (distributed in class week of 11/29)

Thursday December 8, 2011

Last Class – Final Discussion and Review

Final Research Papers Are Due On or Before Tuesday December 13, 2011