

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

ES 410: Race, Class and the Law

Instructor: Dr. Elisa Joy White
Office: 341 George Hall
Office Hours: Tuesday 10-11 and by appointment
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Class Location: George 213
Class Time: Tuesday 3-5:30

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.

Course Requirements:

Attendance and Participation – 10% Class Presentation (Analysis of legal case) – 30%
 Discussion Questions/Outlines – 20% 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 January 11, 2011

Introduction to class

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

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

Tuesday January 18, 2011

Gordon-Reed Introduction and Chapter 1

Tuesday January 25, 2011

Gordon-Reed Chapters 2 and 3

Tuesday February 1, 2011

Gordon-Reed Chapters 4 and 5

Tuesday February 8, 2011

Gordon-Reed Chapters 6 and 7

**Required course event: Thursday February 10, 6pm-9pm, Art Auditorium
 (Assignment will be submitted to the class in advance. If you are unable to schedule your attendance at this required event, an alternative project will be assigned)**

Tuesday February 15, 2011

Gordon-Reed Chapters 8 and 9

Tuesday February 22, 2011

Gordon-Reed Chapters 10 and 11

Tuesday March 1, 2011

Gordon-Reed Chapter 12 (also Delgado and Stefancic; see “Critical Race Theory” below)

Critical Race Theory

Delgado and Stefancic Chapters 1 and 2

Tuesday March 8, 2011

Delgado and Stefancic Chapters 3 and 4

Tuesday March 15, 2011

Delgado and Stefancic Chapters 5 and 6

Spring Break**Tuesday March 29, 2011**

Delgado and Stefancic Chapters 7 and 8

The Framing of “Race” and Justice in Hawai‘i**Tuesday April 5, 2011**

Merry Chapters 1 and 2

Tuesday April 12, 2011

Merry Chapters 3 and 4

Tuesday April 19, 2011

Merry Chapters 5 and 6

Tuesday April 26, 2011

Merry Chapters 7 and 8

Tuesday May 3, 2011

Merry Chapter 9

Sai, David Keanu. 2004. “American Occupation of the Hawaiian State: A Century Unchecked” *Hawaiian Journal of Law and Politics* 1 (Summer): 46-81.
 (Available at Laulima)

Last class – discussion and review

Final Research Papers Are Due On or Before Tuesday May 10, 2011