

**UNIVERSITY OF HAWAI'I AT MĀNOA**  
**Department of Ethnic Studies**  
**Fall 2009**

**ES 410: Race, Class and the Law**

**Instructor: Dr. Elisa Joy White**  
**Office: 341 George Hall**  
**Office Hours: Tuesday 1:30-2:30 and by appointment**  
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**Class Location: Moore 120**  
**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.

**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 25, 2009**

Introduction to class

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

**Thursday August 27, 2009**

Gordon-Reed Introduction

**Tuesday September 1, 2009**

Gordon-Reed Chapter 1

**Thursday September 3, 2009**

Gordon-Reed Chapter 2

**Tuesday September 8, 2009**

Gordon-Reed Chapter 3

**Thursday September 10, 2009**

Gordon-Reed Chapter 4

**Tuesday September 15, 2009**  
Gordon-Reed Chapter 5

**Thursday September 17, 2009**  
Gordon-Reed Chapter 6

**Tuesday September 22, 2009**  
Gordon-Reed Chapter 7

**Thursday September 24, 2009**  
Gordon-Reed Chapter 8

**Tuesday September 29, 2009**  
Gordon-Reed Chapter 9

**Thursday October 1, 2009**  
Gordon-Reed Chapter 10

**Tuesday October 6, 2009**  
Gordon-Reed Chapter 11

**Thursday October 8, 2009**  
Gordon-Reed Chapter 12

### **Critical Race Theory**

**Tuesday October 13, 2009**  
Delgado and Stefancic Chapter 1

**Thursday October 15, 2009**  
Delgado and Stefancic Chapter 2

**Tuesday October 20, 2009**  
Delgado and Stefancic Chapter 3

**Thursday October 22, 2009**  
Delgado and Stefancic Chapter 4

**Tuesday October 27, 2009**  
Delgado and Stefancic Chapters 5 and 6

**Thursday October 29, 2009**  
Delgado and Stefancic Chapters 7 and 8

**The Framing of “Race” and Justice in Hawai‘i****Tuesday November 3, 2009**

Merry Chapter 1

**Thursday November 5, 2009**

Merry Chapter 2

**Tuesday November 10, 2009**

Merry Chapter 3

**Thursday November 12, 2009**

Merry Chapter 4

**Tuesday November 17, 2009**

Merry Chapter 5

**Thursday November 19, 2009**

Merry Chapter 6

**Tuesday November 24, 2009**

Merry Chapter 7

**Thursday November 26, 2009****Thanksgiving Break****Tuesday December 1, 2009**

Merry Chapter 8

**Thursday December 3, 2009**

Merry Chapter 9

**Tuesday December 8, 2009**

Additional Reading (distributed in class week of 12/1)

**Thursday December 10, 2009**

Last Class – Final Discussion and Review

**Final Research Papers Are Due On or Before Tuesday December 15, 2009**