

UNIVERSITY OF HAWAI'I AT MĀNOA

Department of Ethnic Studies

Fall 2012

ES 410: Race, Class and the Law

Instructor: Dr. Elisa Joy White

Office: 341 George Hall

Office Hours: Thursday 1:30pm – 2:30pm or by appointment

Phone: 808-956-2824

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Class Location: BUSAD D104

Class Time: Thursday 3pm-5:30pm

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% Class Presentation (Analysis of legal case) – 30%

Discussion Questions/Outlines – 20% Final Research Paper – 40%

Required Texts:

Delgado, Richard and Jean Stefancic (2012) *Critical Race Theory: An Introduction*. New York: New York University Press. ISBN-10: 0814721354

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

Thursday August 23, 2012

Introduction to class

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

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

Thursday August 30, 2012

Gordon-Reed Introduction and Chapter 1

Thursday September 6, 2012

Gordon-Reed Chapters 2 and 3

Thursday September 13, 2012

Gordon-Reed Chapters 4 and 5

Thursday September 20, 2012

Required course event with special assignment: 3pm – 6pm at the Center for Korean Studies

(Go directly to the Center for Korean Studies, 1881 East-West Road)

Thursday September 27, 2012

Gordon-Reed Chapters 6 and 7

Thursday October 4, 2012

Gordon-Reed Chapters 8 and 9

Thursday October 11, 2012

Gordon-Reed Chapters 10, 11 and 12

Critical Race Theory

Thursday October 18, 2012

Delgado and Stefancic Foreword, Introduction, Chapters 1 and 2

Thursday October 25, 2012

Delgado and Stefancic Chapters 3, 4, and 5

Thursday November 1, 2012

Delgado and Stefancic Chapters 6, 7, and 8

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

Thursday November 8, 2012

Merry Chapters 1 and 2

Thursday November 15, 2012

Merry Chapters 3, 4, and 5

Thursday November 22, 2012

Thanksgiving Break – No Class

Thursday November 29, 2012

Merry Chapters 6, 7, and 8

Thursday December 6, 2012

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 December 11, 2012.