

## ETHN152 Law and Civil Rights

WINTER 2016 | Mon, Wed & Fri 12:00-12:50p | SOLIS109

Instructor:	Kyung Hee Ha
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Office Hours:	Mon & Wed, 1:10-2:40p at SSB 252 or by appointment

*One has not only a legal but moral responsibility to obey just laws.  
Conversely, one has a moral responsibility to disobey unjust laws.  
- Martin Luther King, Jr.*

**Course Overview:** In this course students explore the relationship between race, class, and law as it applies to civil rights both in an historical and a contemporary context. Presumably universal, impartial and colorblind, the law has organized U.S. society along the lines of race, gender, sexuality, class, ability, citizenship and so on through defining (il)legality, (im)morality and (in)justice. The course will analyze specific legal cases involving issues pertaining to settler colonialism, U.S. imperial expansion, segregation, affirmative action, immigration and post-9/11 racial profiling to discuss the ways in which the law has been applied unevenly and differently to (re)create subjects and subjectivities.

**Course Objectives:** Students are able to critically engage, synthesize, question, deconstruct, discuss and apply the concepts and ideas pertaining to law that are covered in class readings, lectures, and films. In particular, students will be able to:

- Understand the centrality of law and the myth of equality before the law.
- Know and use basic legal concepts.
- Cite and interpret key Supreme Court decisions dealing with race, gender and sexuality.
- Identify main components of law that affect various social, economic, and political aspects of our society.
- Outline ways in which laws are actively made and institutionalized by a multitude of different actors rather than being objectively autonomous.
- Explain and apply key concepts and theories of race, gender, sexuality and power.
- Consider the potential and limits of law as an instrument for transformative social change.
- Know particular moments in the history of law or certain features of law AND be able to critically think about them.

**Required Texts:** Unless otherwise indicated, readings are available as PDFs on TritonED at <https://triton.ucsd.edu/> (ETHN152 → Content → Week 1-10 Folders). You are required to bring the *printed* assigned readings of the current week and previous week to every class. Students are expected to complete and comprehend the material by the beginning of class in order to make meaningful contribution to discussion.

**Course Evaluation:**

Attendance/Participation	10%
Group Presentation	15%
5 Weekly Responses (5pts/each)	25%
Midterm Paper	20%

Final Paper 30%

\*You must complete all assignments to pass the course.

**Attendance and Participation:** Attendance is mandatory. You are expected to attend all lectures *and* actively participate and contribute to class discussions through an engagement with the readings/lectures. This includes asking questions, seeking clarification and offering your critical ideas and interpretation in class and/or office hours.

More than 3 absences will result in zero score for participation. Missing 5 classes will result in a failing/no pass grade. 2 late arrivals = 1 absence. Leaving early = 1 absence. When you bring doctor's note, your absence may be excused.

**Group Presentation:** A small group of 3-5 individuals will pose questions and analyses on the week's readings, and lead a discussion for the day. Further directions will be given in class.

**Weekly Responses:** You will post a total of 5 short responses on the discussion board on TritonED (ETHN152 → Discussion → Week 2-9) that reflect your understanding and critical analysis of the readings, lecture and discussion. Each post should be 500-750 words, and will receive 1-5 points. Response is due every Friday at 6 pm. Bring hardcopies if you want feedback.

**Midterm & Final Papers:** Midterm paper is a 4-5 page historical outline of a law of your choice that has racial, gendered and/or sexual contexts and implications. Midterm paper is due at the beginning of class on February 8. Final paper (8-10 pages) expands on the midterm paper by incorporating 2 or more historical and/or contemporary examples that relate to your specific law. Final paper is due at 2:59p, March 16.

\* Writing assignments are due and must be submitted as hard copies; no e-mailed papers accepted unless previously approved. Late papers will receive one-half letter grade deduction for each day they are submitted past the due date, and no papers will be accepted more than one week after the due date. In the case of a medical/personal emergency, you must provide a doctor's note or other documentation in order for an exception to be made.

\* Formatting: All writing assignments must be typed, double-spaced, and in MLA format. 1" margins all-around, 12-point Times New Roman font, and stapled. Remember to include your name, PID# and page number.

### Grade Scale

A 100-94	C+ 79-77
A- 93-90	C 76-74
B+ 89-87	C- 73-70
B 86-84	D 69-60
B- 83-80	F 59-0

**Respect for classroom space & one another:** This course will engage many challenging but worthwhile ideas and questions. Interdisciplinary by design, our reading list includes authors from a number of fields, some of which you may be familiar with, others of which will require patient attention. Please note that our goal in this class will not be to memorize or master a series of clear - cut answers; rather, by engaging in lively discussions and learning from fellow colleagues, we aim to hone our ability to ask critical questions so as to further develop our skills as writers, readers, and

thinkers. In order to create such a learning environment, students should speak to each other and the instructor with respect. Abusive or harsh language will not be tolerated. Please see the UCSD Principles of Community for further clarification: <https://ucsd.edu/explore/about/principles.html>.

**Digital Etiquette:** All personal electronics should be off or on “silent” mode. Texting, games and internet usage (Facebook, youtube, email, etc.) are not permitted. Students using laptops for taking notes must sit in the first two rows.

**E-mail Policy:** All e-mail correspondence with the instructor must be properly formatted, and must be grammatically correct. E-mail is best used for brief communication or for scheduling appointments. If you have questions that require an in-depth answer, please see me during office hours. Please allow 48 hours for a response. No response during weekends or holidays.

**Academic Integrity:** Plagiarism is a serious violation, whether intentional or inadvertent. All work submitted in this course must be your own and original. The use of sources such as ideas, quotations, paraphrases, or anything written by someone else must be properly acknowledged and cited. Please familiarize yourself with the UCSD policy on Academic Integrity:

<http://students.ucsd.edu/academics/academic-integrity/policy.html>.

If you have questions about when and how to use citations, please refer to this guide: Charles Lipson, *Doing Honest Work in College: How to Prepare Citations, Avoid Plagiarism, and Achieve Real Academic Success*. Chicago: University of Chicago Press, 2004.

**Special Accommodations:** Students with documented disabilities who may need accommodations should make an appointment with the instructor as early as possible, no later than the first week of class. For additional information, contact the Office for Students with Disabilities (OSD) at (858) 534-4382 or [osd@ucsd.edu](mailto:osd@ucsd.edu).

### **Majoring or Minor in Ethnic Studies at UCSD**

Many students take an Ethnic Studies course because the topic is of great interest or because of a need to fulfill a college general education requirement. Often students have taken many ETHN courses out of interest, yet do not realize how close they are to a major, a minor, or even a double major. An Ethnic Studies major is excellent preparation for a career in law, education, medicine, public health, social work, counseling, public policy, and many other careers.

If you would like information about the Ethnic Studies major or minor, please contact:

Daisy Rodríguez, Ethnic Studies Department Undergraduate Advisor

858-534-3277 or [d1rodriguez@ucsd.edu](mailto:d1rodriguez@ucsd.edu) or visit [www.ethnicstudies.ucsd.edu](http://www.ethnicstudies.ucsd.edu).

## COURSE READINGS AND SCHEDULE

Note: This syllabus is subject to change; the update syllabus will be posted on TritonED.

### Week 1 Introduction to the Law and Critical Race Theory

1/4	Introduction
1/6	Dean Spade, "Law" (149-153); Roderick A. Ferguson, "Race" (207-211); Daniel Martinez HoSang and Oneka LaBennett, "Racialization" (212-214) in <i>Keywords: Keywords for American Cultural Studies, Second Edition</i> edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.  Richard Delgado and Jean Stefancic, "Hallmark Critical Race Theory Themes" (15-35) in <i>Critical Race Theory: An Introduction</i> . NYU Press, 2012.
1/8	Richard Delgado and Jean Stefancic, "Looking Inward" (51-66); "Power and the Shape of Knowledge" (67-86) in <i>Critical Race Theory: An Introduction</i> . NYU Press, 2012.

### Week 2 Whiteness and Citizenship

1/11	Kirsten Silva Gruesz, "America" (21-25); David F. Ruccio "Capitalism" (37-40) in <i>Keywords: Keywords for American Cultural Studies, Second Edition</i> edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.  Cheryl Harris, "Whiteness as Property" (276-291) in <i>Critical Race Theory: The Key Writings That Formed the Movement</i> , edited by Kimberlé Crenshaw. The New Press, 1996.
1/13	Lauren Berlant, "Citizenship" (41-45) in <i>Keywords: Keywords for American Cultural Studies, Second Edition</i> edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.  George Lipsitz, "Law and Order: Civil Rights Laws and White Privilege" (24-47) in <i>The Possessive Investment in Whiteness</i> , Temple University Press, 2006.
1/15	Documentary, <i>Supreme Court Landmark Case Dred Scott v. Sandford, 2010</i> (92 min)
Case	Dred Scott v. Sandford, 1857

### Week 3 Settler Colonialism and Sovereignty

1/18	<i>No Class - Martin Luther King, Jr. Holiday</i> J. Kēhaulani Kauanui, "Indigenous" (133-137) in <i>Keywords: Keywords for American Cultural Studies, Second Edition</i> edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.
1/20	Robert Williams, "'The Savage as the Wolf: The Founders' Language of Indian Savagery'" (33-46); "Indian Rights and the Marshall Court" (47-70) in <i>Like a Loaded Weapon: The Rehnquist Court, Indian Rights, and the Legal History of Racism in America</i> , University of Minnesota Press, 2005.
1/22	<b>Group Presentation #1</b> Annmarie M. Liermann (2001), "Seeking Sovereignty: The Akaka Bill and the Case for the Inclusion of Hawaiians in Federal Native American Policy," <i>Santa Clara Law Review</i> 41 (2): 509-546.
Cases	Cherokee Nation Cases (Worcester v. Georgia; Cherokee Nation v. Georgia)

### Week 4 Racial State and Segregation

1/25	<b>Library Workshop with Librarian, Alanna Aiko Moore</b> David Theo Goldberg, "Racial States: States of Racial Rule, States of Racial Being" (223-258)
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	in <i>A Companion to Racial and Ethnic Studies</i> edited by David Theo Goldberg, John Solomos. Wiley-Blackwell, 2002.
1/27	Michael J. Klarman, "School Desegregation" (290-343) in <i>From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality</i> . Oxford University Press, 2004.
1/29	<b>Group Presentation #2</b> Film: <i>Slavery by Another Name</i> , 2012 (90 min) via UCSD Library
Cases	Plessy v. Ferguson, 1896; Brown v. Board of Education, 1954

### Week 5 Policing Sexuality and Creating Heteronormative Citizenship

2/1	Eithne Luibhéid, "Birthing a Nation: Race, Ethnicity and Childbearing" (55-76) in <i>Entry Denied: Controlling Sexuality at the Border</i> . University of Minnesota Press, 2002.
2/3	Elizabeth Freeman, "Marriage" (162-164) in <i>Keywords: Keywords for American Cultural Studies, Second Edition</i> edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.  Lisa Duggan, "The New Homonormativity: The Sexual Politics of Neoliberalism" (175-194) in <i>Materializing Democracy: Toward a Revitalized Cultural Politics</i> . Russ Castronovo and Dana D. Nelson. Duke University Press, 2002.
2/5	<b>Group Presentation #3</b> Siobhan B. Somerville (2005). "Notes Toward a Queer History of Naturalization," <i>American Quarterly</i> 57 (3): 659-675.
Cases	Obergefell v. Hodges, 2015; Anti-abortion bills and laws

### Week 6 Immigration and Ex/inclusion

2/8	<b>Midterm Paper Due</b> In-class screening: <i>Documented</i> , 2013 (89 min)
2/10	Remainder of <i>Documented</i> via Amazon Video or iTunes (\$2.99-3.99)  Mae Ngai, "Introduction" (1-14); "From Colonial Subjects to Undesirable Alien: Filipino Migration to the Invisible Empire" (96-126) in <i>Impossible Subjects: Illegal Aliens and the Making of Modern America</i> , Princeton University Press, 2004.
2/12	Lisa Cacho, "Beyond Ethical Obligation" (61-96) in <i>Social Death: Racialized Rightlessness and the Criminalization of the Unprotected</i> , NYU Press, 2012.
Cases	Chinese Exclusion Cases (Chae Chan Ping v. US, 1889; Fong Yue Ting v. US, 1893) Case of Adam Crapser

### Week 7 Colorblindness and Multiculturalism

2/15	<i>No Class - President's Day Holiday</i> Neil Gotanda, "A Critique of 'Our Constitution Is Color-Blind'" (257-275) in <i>Critical Race Theory: The Key Writings That Formed the Movement</i> , edited by Kimberlé Crenshaw. The New Press, 1996.
2/17	David Alan Freeman (1995). "Legitimizing Racial Discrimination through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine" (29-45) in <i>Critical Race Theory: The Key Writings That Formed the Movement</i> , edited by Kimberlé Crenshaw. The New Press, 1996.
2/19	<b>Group Presentation #4</b> Lisa Duggan, "Downsizing Democracy" (1-21) in <i>The Twilight of Equality: Neoliberalism, Cultural Politics, and the Attack on Democracy</i> , Beacon Press, 2003.

Cases	Regents of the University of California v. Bakke, 1978; CA Proposition 209, 1996
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### Week 8 Criminal In/Justice System

2/22	Caleb Smith, "Prison" (196-199) in <i>Keywords: Keywords for American Cultural Studies, Second Edition</i> edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.  Michelle Alexander (2011). "The New Jim Crow." <i>Ohio State Journal of Criminal Law</i> 9: 7-26.
2/24	Dorothy E. Roberts (2007). "Constructing a Criminal Justice System Free of Racial Bias: An Abolitionist Framework." <i>Columbia Human Rights Law Review</i> . 39: 261-285.
2/26	<b>Group Presentation #5</b> Film, <i>The House I Live In</i> , 2013 (108 min)
Case	CeCe McDonald's trial, 2012

### Week 9 Racial Profiling and Hate Crime

2/29	Amaney Jamal, "Civil Liberties and the Otherization of Arab and Muslim Americans" (114-130) in <i>Race and Arab Americans before and after 9/11: From Invisible Citizens to Visible Subjects</i> , edited by Amaney A. Jamal and Nadine Christine Naber. Syracuse University Press, 2008.  Nadine Naber (2008). "Look, Mohammed the Terrorist is Coming." <i>The Scholar and Feminist Online</i> 6 (3).
3/2	Lisa Cacho, "Grafting Terror onto Illegality" (97-113) in <i>Social Death: Racialized Rightlessness and the Criminalization of the Unprotected</i> , NYU Press, 2012.
3/4	<b>Group Presentation #6</b> Cathleen Kozen (2012), "Redress as American-Style Justice: Congressional Narratives of Japanese American Redress at the end of the Cold War." <i>Time Society</i> 21 (1): 104-120.
Cases	Korematsu v. US, 1944; Hamdi v. Rumsfeld, 2004; Rasul v Bush, 2004

### Week 10 Im/possibilities of Law: Racial Realism vs. Liberal Idealism

3/7	Nikhil Pal Singh, "Liberalism" (153-158) in <i>Keywords: Keywords for American Cultural Studies, Second Edition</i> edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.  Derrick A. Bell, "Racial Realism" (302-314) in <i>Critical Race Theory: The Key Writings That Formed the Movement</i> , edited by Kimberlé Crenshaw. The New Press, 1996.
3/9	Richard Delgado (1988). "Derrick Bell and the Ideology of Racial Reform: Will We Ever Be Saved?" <i>The Yale Law Journal</i> 97 (5): 923-947.  Richard Delgado (1991). "Derrick Bell's Racial Realism: A Comment on White Optimism and Black Despair." <i>Connecticut Law Review</i> 24: 527-32.
3/11	<i>No reading. Review and Catch up.</i>