

Ethnic Studies 152
LAW & CIVIL RIGHTS
Winter 2022 – MWF 4:00 – 4:50 PM
(CENTR 128)

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Office:

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Office hours: 5:00 – 6:00 PM MWF

COURSE DESCRIPTION

This course examines the relationship between race, class, and law as it applies to civil rights both in a historical and a contemporary context. Presumably universal, impartial and colorblind, the law has organized the U.S. society along the lines of race, class, gender, sexuality, ability, citizenship and so on through defining (il)legality, (im)morality, (in)justice, and (in)security. This course will work through a variety of topics such as sovereignty, segregation, affirmative action, police brutality, mass incarceration, immigration and hate crimes to explore how the U.S. law has been applied unevenly and differently to maintain social hierarchies, incite violence, and solidify uneven power dynamics. The course also highlights different ways subjugated communities challenged the U.S. judicial system to resist cultural/ structural violence and social exclusion.

COURSE OBJECTIVES

After the course, students will be able to:

- Understand the centrality of law and the myth of equality before the law.
- Know and use basic legal concepts.
- Identify key relevant court cases that have shaped how we think about and conceptualize race, gender, sexuality, and citizenship.
- Explain and apply key concepts and theories of race, gender, sexuality and power.
- Apply an intersectional approach to how the law works within historically subjugated communities
- Consider the potential and limits of law as an instrument for transformative social change.

REQUIRED TEXTS

Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010). Other readings and links will be available on Canvas.

COURSE REQUIREMENTS:

Attendance and Participation	20%
Key concept assignments	25%
Mid-term paper	20%
Final Project	35%

Attendance and Participation:

Throughout the course, we will work through themes/concepts, readings, and other materials as a group, therefore, your attendance and participation is key to understanding the relationship between race, class, and law as it applies to civil rights. Participation will involve class discussions and other class activities.

It is recommended that you attend all class meetings, with the exception of four (4) excused absences. However, if you have Covid symptoms or a positive Covid test, please contact me via email so that we can discuss how to deal with the situation. I expect every student to come to class with reading-task completed and questions in mind.

Key Concept Assignments:

Understanding key concepts is an important requirement for this class. You can choose any 5 weeks among our 10 weeks to submit your key concept assignments. In each assignment, you need to define and engage with **one key concept** introduced in the assigned materials of that week. Your paper must contain these elements: (1) A definition of the concept in your own words; (2) an explanation of which author(s) introduced the term in the assigned reading and explain how that/those author(s) uses or discusses the term; (3) an explanation and/or **a specific example of how the term** connects to that week's theme(s), the course's themes, and/ or current events.

You will submit **5** Key Concept Assignments (about 250-300 words) on Canvas **one hours prior** to the class period on **Fridays**.

Mid-term paper:

Each student will choose a law in US history that has racial, gendered and/or sexual contexts and implications and write a paper (about 1000-1200 words) which contains the historical outline of the law. The Mid-term paper is due on Friday (2/11/2022) (the end of week 6).

Final Project:

Each student will write a research paper (1500-2000 words) or carry out a creative project explicating the impacts of the law that he/she discusses in his/her mid-term paper on (a) subjugated communiti(es), and/or how the subjugated community(es) challenged the law and/or resist the cultural/ structural violence and social exclusion the law brought about.

Extra Credit: I will assign extra credit depending if there are any relevant events on campus or in San Diego.

CLASS POLICY

Late assignments: Assignments' deadlines are indicated on Canvas. Assignments will be deducted 1/2 of a letter grade for each day they are late.

Technology: NO laptops, tablets, and/or phones are allowed during the duration of the class. If there is a legitimate reason as to why you need use an electronic device to take notes, please let me know as soon as possible.

Class Conduct: By the very nature of the course topic, there will likely be a wide range of opinions. A good classroom environment should stimulate you to think for yourself, challenge paradigms, and raise critical questions. However, please keep in mind that we must engage each other in a respectful and considerate debate in the classroom. These ground rules are reflected in the UCSD Principles of Community to which we are all expected to adhere (<http://www.vcba.ucsd.edu/principles.htm>). Abusive and harsh language, intimidation, and personal attacks will not be tolerated.

Academic Dishonesty: 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. Plagiarism is when you use someone else's words without attribution; it includes using portions of a previously published work or website in a paper without citing the source, submitting a paper written for another course, submitting a paper written by someone else, and using the ideas of someone else without attribution. If you have questions about the proper citation of sources, please discuss them with your instructors or consult Charles Lipson's *Doing Honest Work in College: How to Prepare Citations, Avoid Plagiarism, and Achieve Real Academic Success* (Chicago: University of Chicago Press, 2004). Students found guilty of plagiarism will be disciplined to the full extent of university policy and forwarded to the dean of their college. Students found cheating on an exam or quiz will receive a failing grade in the course and be reported to the dean of their college for disciplinary action. Each student is expected to be familiar with UCSD's Policy on Integrity of Scholarship, available at <http://www.senate.ucsd.edu/manual/appendices/app2.htm#AP14>.

Disabilities: If you have a documented disability needing accommodations in this course, please inform me and bring a notification letter outlining your approved accommodations. I will make all reasonable efforts to assist you. If, as a result of a disability, you cannot accept the content or terms of this syllabus, you must notify me in writing within one week of receipt of syllabus. You may also seek assistance or information from the Office for Students

with Disabilities, 858-534-4382.

CLASS SCHEDULE & ASSIGNED TEXTS

	Texts	Key Concepts
Week 1	Introduction to the Law and Critical Race Theory	
M	Introduction to the course	
W	<p>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</i>, Second Edition edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.</p> <p>Richard Delgado and Jean Stefancic, “Hallmark Critical Race Theory Themes” (15-35) in <i>Critical Race Theory: An Introduction</i>. NYU Press, 2012.</p>	Race; racialization, social; political; nation-state; law; rule of law; critical race theory; intersectionality
F	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	
M	<p>Kirsten Silva Gruesz, “America” (21-25); David F. Ruccio “Capitalism” (37-40) in <i>Keywords: Keywords for American Cultural Studies</i>, Second Edition edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.</p> <p>C. Harris, “Whiteness as Property,” <i>Harvard Law Review</i> 106.8 (1993) 1707-1756.</p>	Whiteness; property; scientific racism; Other; sexuality; representation; birthright citizenship
W	M. F. Jacobson, “The Fabrication of Race” and “‘Free White Persons’ in the Republic, 1790-1840” [1-38]	
F	Documentary, Supreme Court Landmark Case Dred Scott v. Sandford, 2010 (92 min)	
Week 3	Settler Colonialism and Sovereignty	
M	No Class - Martin Luther King, Jr. Holiday	
W	<p>J. Kēhaulani Kauanui, “Indigenous” (133-137) in <i>Keywords: Keywords for American Cultural Studies</i>, Second Edition edited by Bruce Burgett and Glenn Hendler. NYU Press, 2014.</p> <p>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.</p>	Colonialism; settler colonialism; genocide; sovereignty; treaty; plenary power; Akaka Bill;
F	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 Cherokee Nation Cases (Worcester v. Georgia; Cherokee Nation v. Georgia)	
Week 4	Racial State and Segregation	
M	David Theo Goldberg, “Racial States: States of Racial Rule, States of Racial Being” (223-258) in <i>A Companion to Racial and Ethnic Studies</i> edited by David Theo Goldberg, John Solomos. Wiley-Blackwell, 2002.	Power; “equal protection”; bare life; de jure; de facto; lynching; black sexuality; un/rapability;
W	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.	
F	Film: Slavery by Another Name, 2012 (90 min) via UCSD Library Plessy v. Ferguson, 1896; Brown v. Board of Education, 1954	
Week 5	Criminal In/Justice System	
M	Michelle Alexander, “Introduction,” “Chapter One: The Rebirth of Caste,” “Chapter Two: The Lockdown,” “Chapter Three: The Color of Justice” and “Chapter Five: The New Jim Crow” from <i>The New Jim Crow: Mass Incarceration in the Age of Colorblindness</i> (2010)	Disciple and punish; police power profiling; capital punishment; Prison industrial complex
W		
F	FILM: 13th (Director: Ava DuVernay, 2016) Cases: McKleskey v Kemp, 1987 and Brown v. Plata, 2011	
Week 6	Immigration and Ex/inclusion	
M	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.	Impossible subject; illegal alien; unassimilable; borderlands; national origins; quotas; coolie; heterogeneity; multiplicity; queer
W	Lisa Cacho, “Beyond Ethical Obligation” (61-96) in <i>Social Death: Racialized Rightlessness and the Criminalization of the Unprotected</i> , NYU Press, 2012.	
F	Film: Documented, 2013 (89 min) Chinese Exclusion Cases (Chae Chan Ping v. US, 1889; Fong Yue Ting v. US, 1893)	
Week 7	Policing Sexuality and Creating Heteronormative Citizenship	
M	Eithne Luibhéid, “Birthing a Nation: Race, Ethnicity and Childbearing” (55-76) in <i>Entry Denied: Controlling</i>	Eugenics, antimiscegenatio
W		

	<p><i>Sexuality at the Border</i>. University of Minnesota Press, 2002</p> <p>Siobhan B. Somerville (2005). "Notes Toward a Queer History of Naturalization," <i>American Quarterly</i> 57 (3): 659-675.</p> <p>Nayan Shah (2005). "Between Oriental Depravity' and 'Natural Degenerates': Spatial Borderlands and the Making of Ordinary Americans. <i>American Quarterly</i> 57 (3), 703-725</p>	n laws; sterilization; reproductive rights; derivative citizenship
F	Obergefell v. Hodges, 2015; Anti-abortion bills and laws	
Week 8	Racial Profiling and Hate Crime	
M	President's Day Holiday	Habeas Corpus; due process; MIC; military prison; terrorism/ist
W	<p>Jeannie Bell, "Introduction" and "Integration and Hate Crime: The Institutionalization of Civil Rights law" from <i>Policing Hatred</i> (2000)</p> <p>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.</p>	
F	Cases: Korematsu v. US, 1944; Hamdi v. Rumsfeld, 2004; Rasul v Bush, 2004	
Week 9	Colorblindness and Multiculturalism	
M	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.	Affirmative action; liberalism; neoliberalism; colorblindness; multiculturalism; reverse racism; model minority;
W	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.	
F	<p>Lisa Duggan, "Downsizing Democracy" (1-21) in <i>The Twilight of Equality: Neoliberalism, Cultural Politics, and the Attack on Democracy</i>, Beacon Press, 2003.</p> <p>Cases: Regents of the University of California v. Bakke, 1978; CA Proposition 209, 1996</p>	
Week 10	Review + Final Project Presentations	
M		

W			
F			