

DIVERSITY, LAW, AND POLITICS
SPRING 2016

MONDAYS & WEDS. 4-5:30PM
141 MCCONE HALL

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OFFICE HOURSE: WEDS 10AM-12PM @ 492 SIMON HALL

Course Description

In this course, students will learn to explore, discuss, and better understand the relationship between peoplehood and politics in a dynamic, diversifying polity. Peoplehood encompasses the ideas, identities, and institutions that define political membership. The dimensions of diversity at the heart of this course are perceptions of commonality and attributions of difference defined by race and immigration. Emphasis is given to contemporary law and politics in the United States, but with an eye toward how the law and politics of the here and now is rooted in history and compares to elsewhere. "Race" is broadly defined by concepts of identity, immigration, citizenship, class, ethnicity, gender, and the like. "Politics" is broadly defined both by a center stage of elite actors in government and the laws and policies they make and implement, and by the relevant contexts and audiences that define that stage, inclusive of elections, civic engagement, protests, political talk, organizational behavior, and the like.

Course Requirements

The course requires your active engagement with class content, written assignments, and section discussion. Your attendance is expected at all classes, prepared to participate in discussions of all readings and topics. The responsibility for any missed materials during an absence is yours. More than a couple of unexcused absences will adversely affect your course grade. The specific components of your grade are the following:

- Class participation: Your participation grade includes both lecture and discussion; contributing to the class by actively and respectfully talking **and** listening. As part of your participation grade, you are expected to post one question up on bCourses on the morning of each lecture session. So these are due every Monday 9am and Wednesday 9am on lecture days. The questions can cover a wide range of curiosity, just so long as they engage with the topic and/or readings for that day. Participation in total will be **20%** of your course grade.
- Papers: There are two individual short memos and one group memo due for this class. For the individual memos, pick two out of the three memo prompts to write. These papers should be roughly 2-3 pages in length, each worth **15%** of your course grade. The topics and their due dates are:

- 1) **Racial Profiling:** for this paper, you will pick and defend one of three views on racial profiling: never justified, justifiable only in the rarest of circumstances, or justifiable most of the time. Due *Monday, March 7th*.
- 2) **Reparations:** this is a “role play” memo where you, a Legislative Director for a Member of Congress, will have to advise your boss whether or not she should co-sponsor H.R. 40, the “Commission to Study Reparations Proposals for African Americans Act.” Due *Wednesday, March 16th*.
- 3) **Affirmative Action:** in this memo, a newly founded Asian American advocacy organization has commissioned a policy brief from you on affirmative action and Asian Americans. You will pick and defend one of four possible views for the organization to adopt. Due *Monday, April 4th*.

For the group memo, you will work in groups of roughly five persons. Your group has been hired to write an outreach strategy memo to win over Latino voters for your client, who has just won the Republican Party’s nomination for President of the United States. Your group will produce two “deliverables” for your client: a 3-5 page memo outlining your proposed strategy for Latino outreach; a video or audio campaign advertising reflecting your memo. Due *Wednesday, April 20th*. This assignment is also worth **15%** of your course grade.

- **Final exam:** There is also a three-hour final exam for the remaining **35%** of your course grade. You will be given, in advance, a list of key terms and possible essay questions to study and prepare. These key terms and essay questions cover broad themes that are central to the class. All of the exam will be chosen from these key terms and list of essay questions.

Course Readings

All of the course readings will either be available via bCourses except for a few short pieces, which will be distributed in class. If you wish to delve more deeply into some of the material, I would recommend starting with the following books:

- Michelle Alexander. 2010. *The New Jim Crow*. The New Press.
- Ta-Nehisi Coates. 2015. *Between the World and Me*. Spiegel and Grau.
- Ian Haney López. 2015. *Dog Whistle Politics*. Oxford.
- Cristina Mora. 2014. *Making Hispanics*. Chicago.
- Daria Roithmayr. 2014. *Reproducing Racism*. NYU Press.

Rights and Responsibilities

Learning and participation is communal and collaborative. Like any other kind of community, this class will flourish only if its formal rules and informal rights and responsibilities are transparent, understood, respected, and accepted as a tacit social contract between students and instructors. This means you can expect your instructors to be prepared for class, professional in our attitude, productive about feedback, and accessible and responsive to course-related issues. As students, you are expected in turn to be prepared for class, professional in your attitude, attentive to course requirements

and deadlines, willing to share their views with others, open to being challenged, and active and serious about your own learning. Students should not tolerate any harassment or an environment otherwise hostile to learning.

More generally, you are expected to adhere to the Honor Code that you and your fellow students have agreed to: **“As a member of the UC Berkeley community, I act with honesty, integrity, and respect for others.”**

House Rules

In addition, students should also abide by these few important "house rules" that are critical to an equitable and effective learning environment:

- Deadlines: Incomplete grades, changes in exam dates, and extensions on written assignments will be approved only by your professor or GSI and only under serious medical or other extenuating circumstances. The best way to avoid scheduling conflicts, heavy workloads, and last minute deadlines is to plan ahead!
- Plagiarism and cheating: Copying someone else’s work without proper citation, using someone’s else insights and arguments without proper citation, having your work done by someone else, improperly using notes in exams, and other cases of plagiarism and cheating will not be tolerated. Avoid an automatic “F” for the class and further disciplinary action. The work that bears your name should be your own; take pride in it. The work that bears someone else's name should be properly respected and acknowledged. All written work for the class must be done independently and not in collaboration with others. For additional information on cheating and plagiarism see, for example:

<http://sa.berkeley.edu/conduct/integrity/definition>
<http://www.lib.berkeley.edu/instruct/guides/citations.html#Plagiarism>
<http://gsi.berkeley.edu/teachingguide/misconduct/prevent-plag.html>

- Technology: Avoid multi-tasking in lecture or section. When in class, turn off all electronics except what you need to take notes or record a class session. Close your browsers, disable your apps, put away all visual or textual material unrelated to class. The simple precept of “being in the moment” benefits you and your classmates.
- Disability: All reasonable efforts to accommodate students with disabilities will be made, in accordance with university policy. For more information about specific resources see <http://www.dsp.berkeley.edu/services> or call (510) 642-0518 or (510) 642-6376 (teletype). If you require accommodations, please notify me or Asad as soon as possible and no later than the third week of class.

LECTURE TOPICS AND READING ASSIGNMENTS

1/ Jan. 20th. Introduction

No readings.

2/ Jan. 25th. "E Pluribus Unum?"

Sam Huntington. 2004. "The Hispanic Challenge." *Foreign Policy* (March/April): 30-45.
Amy Chua and Jed Rosenfeld. 2014. "What Drives Success?" *NYTimes* (January 25).
Richard Sander and Stuart Taylor. 2012. "The Painful Truth About Affirmative Action."
The Atlantic (Oct. 2).

3/ Jan. 27th. Citizenship and Race-Making

Devon Carbado. 2005. "Racial Naturalization." *American Quarterly*.
Rogers Smith. 1988. "The 'American Creed' and American Identity." *W. Pol Quarterly*.

4/ Feb. 1st. Counting and Categorizing Race

Naomi Mezey. 2003. "Erasure and Recognition: The Census, Race, and the National Imagination." *Northwestern L. Rev.* 97 (4).
Kenneth Prewitt. 2013. "Fix the Census' Archaic Racial Categories." *NYTimes* oped.

5/ Feb. 3rd. The March of Progress?

James Baldwin. 1963. "My Dungeon Shook: A Letter to My Nephew."
Ta-Nehisi Coates. 2015. "Letter to My Son." *The Atlantic* (September).
Lawrence Bobo. 2001. Racial Attitudes and Relations at the Close of the Twentieth Century. In Neil J. Smelser, et al, eds., *America Becoming*, Vol. 1, pp. 264-301.

6/ Feb. 8th. Explaining Racial Inequality

Frederick Harris and Robert Lieberman. 2015. "Racial Inequality After Racism." *Foreign Affairs* (March/April).
National Research Council. 2004. *Measuring Discrimination*. Chapter 2 and 3.

7/ Feb. 10th. Racial Discrimination, Individual-Level

Pager, Devah. 2002. "The mark of a criminal record." *Am. J. of Soc.* 108(5): 937-975.
Thierry Devos and Mahzarin Banaji. 2005. "American = White?" *J. Pers. Soc. Psych*, 88.

8/ Feb. 17th. "Race 2012"

Richard Ford. 2009. "Barack is the New Black." *Du Bois Review* 6(1): 37-48.
Ian Haney López. 2015. *Dog Whistle Politics*. Oxford. Chapter 2 ("Beyond Hate")

9/ Feb. 22nd. Racial Prejudice in the Electoral Arena

Ta-Nehisi Coates. 2012. "Fear of a Black President." *The Atlantic* (September).
Vincent Hutchings. 2009. "Change or More of the Same?" *Pub. Op. Q.* 73 (5): 917-42.

10/ Feb. 24th. Racial Discrimination, Institutional-Level

Daria Roithmayr. 2010. "Racial Cartels." *Mich. J. Race Law*.
Daria Roithmayr. 2014. *Reproducing Racism*. NYU Press, Chapter. 5.

11/ Feb. 29th. Racial Profiling

Peter Schuck. 2002. "A Case for Profiling." *The American Lawyer* (January).
Debates on U.S. Immigration, Chapter 31 on "Racial Profiling" with "Point" written by
Peter Schuck and "Counterpoint" written by Karin Martin and Jack Glaser.

12/ Mar. 2nd. Crime and Punishment

Vesla Weaver. 2013. "Unhappy Harmony: Accounting for Black Mass Incarceration."
James Forman, Jr. 2012. "Racial Critiques of Mass Incarceration." *NYU L. Rev.*

13/ Mar. 7th. For or Against Reparations?

Ta-Nehisi Coates. 2014. "The Case for Reparations." *The Atlantic*. (May 21).
Mari Matsuda. 1987. "Looking to the Bottom." *Harvard Civ Rts Civ Lib L Rev* 22 (323).
Paper 1, "Racial Profiling" due.

14/ Mar. 9th. Illegal, Undocumented, and Pathways to Citizenship

Leti Volpp. 2002. "The Citizen and the Terrorist." *UCLA Law Rev* 49: 1575-1600.
Michael Jones-Correa and Els de Graauw. 2013. "The Illegality Trap." *Daedalus*.

15/ Mar. 14th. Grassroots Mobilization and Protest Politics

Chris Zepeda Millan. 2014. "Weapons of the (Not So) Weak." *Critical Sociology*.
Fredrick Harris. 2015. "The Next Civil Rights Movement?" *Dissent*.

16/ Mar. 16th. Making Hispanics

Cristina Mora. 2014. "Cross-Field Effects and Ethnic Classification." *Am Soc Rev*.
Matt Barreto and Gary Segura. 2014. *Latino America*. Chapter 3 and 8.
Mary Waters. 1995. *Black Identities*. Harvard U. Press. Ch. 5.
Paper 2, "Reparations" due.

17/ Mar. 28th. Of Honorary Whites and Perpetual Foreigners

Leti Volpp. 2001. "Obnoxious to Their Very Nature." *Citizenship Studies* 5: 57-71.
Claire Jean Kim. 1999. "The Racial Triangulation of Asian Americans." *Politics and
Society* 27 (1): 105-138.

18/ Mar. 30th. Model Minority: Success or Stereotype?

Jennifer Lee & Min Zhou. 2014. "From Unassimilable to Exceptional." *New Diversities*.
Tomás R. Jiménez and Adam Horowitz. 2013. "When White is Just Alright." *Am. Soc.
Rev.* 78: 849-871.
Claude Steele. 1997. "A Threat in the Air." *American Psychologist*.

19/ Apr. 4th. Media Matters

Tali Mendelberg. 1997. "Executing Hortons." *Pub Op Quarterly* 61: 134-157.

Otto Santa Ana. 2002. *Brown Tide Rising*. U. of Texas Press. Chapter 3.

Paper 3, "Affirmative Action" due.

20/ Apr. 6th. Dog Whistle Politics

Ian Haney López. 2015. *Dog Whistle Politics*. Oxford. Chapter 8 ("What's the Matter with White Voters?")

Ian Haney López. 2016. "Race and Economic Jeopardy for All: A Framing Paper for Defeating Dog Whistle Politics."

21/ Apr. 11th. Identity and Representation

Devon Carbado and Mitu Gulati. 2000. "Working Identity." *Cornell L. Rev.*

Devon Carbado and Mitu Gulati. 2001. "The Fifth Black Woman." *J. Contemp. Legal Issues*.

Ismail K. White et al. 2014. "Selling Out?" *Am Pol Sci Rev.*

22/ Apr. 13th. Race and Political Parties

Paul Frymer. 2006. "Race, Parties, and Democratic Inclusion." In Wolbrecht and Hero, eds. *The Politics of Democratic Inclusion*.

Hajnal and Lee. 2011. *Why Americans Don't Join the Party*. Princeton. Chapter 3.

23/ Apr. 18th. Race and Voter Mobilization

Lisa Garcia Bedolla and Melissa Michelson. 2012. *Mobilizing Inclusion*. Chapters 4-6.

24/ Apr. 20th. Diversity and Democracy

Guy Uriel-Charles. 2003. "Racial Identity, Electoral Structures, and the First Amendment Right of Association." *Cal. L. Rev.*

Samuel Issacharoff. 2013. "Beyond the Discrimination Model on Voting." *Harvard L. R.*

Paper 4, "Voter Outreach" due

25/ Apr. 25th. In Class Presentations

26/ Apr. 27th. In Class Presentations