Psychology of Diversity and Discrimination in American Law
Legal Studies 183 * Spring Semester 2013
Mondays 2-5pm, 214 Haviland

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COURSE DESCRIPTION

How does the psychology of culture, race, and ethnicity shape the legal pursuit of diversity and equal treatment? How are Americans thinking about and doing diversity in their everyday lives? What are the predominant perspectives on diversity and how are they being deployed or challenged in legal battles over race-conscious policies? What are the implications for efforts to remedy historic intergroup conflict and discrimination? These will be the central questions of this course. We will examine concepts of race and culture, various understandings of and approaches to diversity found in the law, and the role of sociocultural structures in shaping the operation of anti-discrimination law and social policy. Special attention will be given to the use of diversity-related psychological research in law. Topics include: psychology of desegregation; colorblindness and equal protection; “critical mass” and affirmative action; stereotyping, intent, and discrimination; cultural differences in attraction and implications for discrimination; prejudice toward immigrants; psychology of sexism in the workplace; psychology of social class and poverty.

GOALS

This course is intended to provide students with a psycho-sociocultural framework for understanding individual and group behavior in culturally, racially, and ethnically diverse settings relevant to law. By examining mostly psychological but also sociological, anthropological, and legal theory and research, and by taking part in debates, activities, and discussions, students will broaden their toolkit for analyzing issues surrounding “diversity” and learn how to create opportunities for building an inclusive diverse society.

AUDIENCE

This course is intended for students interested in applications of social or cultural psychology to law, students interested in psychological aspects of race, ethnicity, and diversity, and students who are studying psychology or race and ethnicity and are interested in the institutional context of the legal system. This course may also be useful to students with interests in other applied settings such as education or business. No prerequisites.

Students who enroll in this class should enter it with a willingness to take risks, explore personal beliefs and biases, welcome debate, and accept others’ perspectives as opportunities to learn. We will try to build a class culture that is safe, confidential, and respectful of diverse opinions. Depth of learning will depend on establishing a trusting and open environment in which we can approach a variety of controversial and emotionally charged issues.

REQUIREMENTS

- **Complete reading before class.** Assigned readings should be completed by the date indicated. They are the foundation for your work in this course. Because the course is based on discussions, completing the readings before class will greatly enhance your learning experience and your contribution to the class’s learning experience. If possible, do the readings in the assigned order each week. They will be posted on bspace approximately 5-6 days before each class.

- **Weekly reaction papers (35%)**
  - Submit one 2-page, double-spaced paper before each class (7 total) via bspace unless otherwise indicated on the syllabus. For the last reaction paper, write a reflection integrating what you have gotten out of the course. Reaction papers are an important part of the learning process in this course. By spending time reacting to the readings and putting your thoughts on paper, you will organize and crystallize your opinions of the issues at hand, raise important questions, and make key connections. You will also be more effective in class discussions and debates. Reaction papers are graded on a check/no check basis, but at times I will indicate a particularly excellent job (+) or need for improvement (-).
- Participation in class (25%)
  - Class discussion is crucial to the success of this seminar. All class members are encouraged to participate and enrich discussions with their unique experiences, perspectives, and ideas. Your participation grade will be based on the following elements: 1) the quality of your comments in class (including relevance, reasoning based on evidence and arguments, and integration of concepts and issues), general effort to participate, and respect for others’ opinions and 2) discussion questions (each student signs up for roughly half of the semester) due on bspace at 12am the night before class.

Attendance is required. Unexcused absences will detract from your participation grade. If you attend class regularly, contribute to class discussions, and complete assignments, you should be on track for a high participation grade. Your participation grade will suffer if you miss class, do not contribute, or do not submit discussion assignments.

- Seminar paper (40%)
  - The seminar paper is a 10-12 page paper on a topic of your choosing related to the class (i.e., linking psychology, diversity, and law). Students may, for example, explore in further depth some aspect of work we have covered, try to resolve theoretical debates that have been raised, or apply course concepts to a real world legal or policy issue. All students will consult with me on their topic and should seek approval by Spring Break (Mar 22). You will have an opportunity to discuss your paper topics as a class. Paper due May 10.

**COURSE POLICIES**

Please familiarize yourself with the University’s academic honesty policy. *The penalties for academic dishonesty are severe and ignorance is not an acceptable defense.* Please turn off cell phones and restrict use of technology to course-relevant activities in class.

**TOPICS AND READINGS**

**Section 1: Introduction to race, ethnicity, and diversity**


2. February 4. Constructing diversity: To see or not to see? (REACTION PAPER)
Section II: Psychology within a sociocultural framework

3. February 11. The mutual constitution of culture and psyche (NO PAPER)

Fiske et al. (1998). The cultural matrix of social psychology (READ ONLY pages 915-919)


Pick one:


February 18: Presidents Day, NO CLASS

4. February 25. Introduction to stereotypes and their implications (REACTION PAPER)


Section III: Diversity, law, and psychology

5. March 4. Beauty, discrimination (and intent?) (NO PAPER)

Class Action Complaint against Abercrombie & Fitch (pp. 1-26, skim rest optional)


7. March 18. Affirmative action (PREPARE FOR DEBATE; NO PAPER)

*Grutter v. Bollinger* (READ syllabus 1-5, Scalia's dissent, pp 1-3 of Thomas dissent, and first few pages of Rehnquist's dissent).


(only chpt 9 required, can read intro if interested)


March 25: Spring Break, NO CLASS

8. April 1. Testing and “merit” (REACTION PAPER)


Croizet, J. C., & Guinier, L. (in prep). Now you see it, now you don’t. Race, wealth, and the magic trick of merit. (READ ONLY TO PAGE 17)


9. April 8. Immigration (REACTION PAPER)
Santa Ana, O. (2002). *Brown Tide Rising* (excerpts)


Section IV: Other Diversity Contexts

10. April 15. Social Class (REACTION PAPER)


11. April 22. Women, work, and society (NO PAPER)


12. April 29. Putting it all together (REACTION PAPER)