

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 I: Introduction to race, ethnicity, and diversity

1. January 28. Constructing race: Racial and ethnic classification and identity (NO PAPER)

Omi, M. & Winant H. (1996). Racial Formations. *Racial formation in the United States*.

Wright, L. (1993). One drop of blood. *The New Yorker*.

Martinez, E. (1993). Beyond black/white: The racisms of our time. *Social Justice*, 20.

Will, G. (Mar 25, 2002). Dropping the 'One-drop' rule. *Newsweek*.

Cose, E. (Sept 18, 2000). What's white, anyway? *Newsweek*.

Staples, B. (February 5, 2007). On race and the census: Struggling with categories that no longer apply. *The New York Times*.

2. February 4. Constructing diversity: To see or not to see? (REACTION PAPER)

Williams, P. J. (1997). *Seeing a color-blind future: The paradox of race* (pp. 3-16). New York: Noonday Press.

Schofield, J. W. (2001). The colorblind perspective in school: Causes and consequences. In J. A. Banks and C. A. Banks (Eds.), *Multicultural education: Issues and perspectives* (4th edition), pp. 271-295. New York: John Wiley and Sons.

Apfelbaum, E. P., Pauker, K., Sommers, S. R., & Ambady, N. (2010). In blind pursuit of racial equality? *Psychological Science*, 21, 1587-1592.

Purdie-Vaughns, V. & Eibach, R. P (2008). Intersectional invisibility: The distinctive advantages and disadvantages of multiple subordinate-group identities. *Sex Roles*.

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)

Shweder, R. (2003). Introduction to *Why Do Men Barbecue? Recipes for Cultural Psychology*. Cambridge, MA: Harvard University Press.

Crossette, B. (March 6, 1999). Testing the limits of tolerance as diverse cultures mix. *The New York Times*.

Pick one:

Kim, H. S. (2002). We talk, therefore we think? A cultural analysis of the effect of talking on thinking. *Journal of Personality and Social Psychology*, 83, 828 – 842.

Sanchez-Burks, J., Nisbett, R. E., & Ybarra, O. (2000). Cultural styles, relational schemas, and prejudice against out-groups. *Journal of Personality and Social Psychology*, 79(2), 174-189.

Cohen and Vandello. Meanings of violence. *Journal of Legal Studies*, Vol. XXVII.

February 18: Presidents Day, NO CLASS

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

Orbe, M. P. & Harris, T. M. (2006). Race/ethnicity, the mass media, and interracial communication. *Interracial communication: Theory into practice* (Chapter 11). Stamford, CT: Wadsworth.

Cheryan, S. & Monin, B. (2005). “Where are you *really* from?: Asian-Americans and identity denial. *Journal of Personality and Social Psychology*. (READ INTRO ONLY)

Guendelman, M.D., Cheryan, S. & Monin, B. (2011). Fitting in but getting fat: Identity threat as an explanation for dietary decline among U.S. immigrant groups. *Psychological Science*, 22, 959-967.

Fryberg, S., Markus, H. R., Oyserman, D., & Stone, J. M. (2008). Of warrior chiefs and Indian princesses: The psychological consequences of American Indian mascots. *Basic and Applied Social Psychology*, 30, 208-218.

Correll, J., Park, B., Judd, C. M., & Wittenbrink, B. (2002). The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, 83, 1314-1329. (INTRO AND STUDY 1 ONLY)

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)

Poran, M. A. (2002). Denying diversity: Perceptions of beauty and social comparison processes among Latina, Black, and White women. *Sex Roles*, 47, 65-81.

Krieger, L.H. (1995). The content of our categories: A cognitive bias approach to discrimination and equal employment opportunity. *Stanford Law Review*, 47, 1161-1248. (READ parts I and II pp. 1161-1217)

6. March 11. Segregation/desegregation and psychological construals of equality (REACTION PAPER)

Brown v. Board of Education, 347 U.S. 483 (1954)

Clark, K. B., Chein, I., and Cook, S. W. (2004). The effects of segregation and the consequences of desegregation: A (September 1952) social science statement. *American Psychologist*, 59, 495-501.

Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1, No. 05-908 (2007) (excerpts)

Knowles, E. D., Lowery, B. S., Hogan, C. M., & Chow, R. M. (2009). On the malleability of ideology: Motivated construals of color-blindness. *Journal of Personality and Social Psychology*, 96, 857-869. (INTRO ONLY)

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

Crosby, F. J., Iyer, A., Clayton, S., & Downing, R. A. (2003). Affirmative action: Psychological data and the policy debate. *American Psychologist*, 58, 93-115.

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

D'Souza, D. (1998). A world without racial preferences.

Rodriguez, R. (1982). *Hunger of Memory* (Chapter 5). New York: Bantam.

Bowen, W. G. & Bok, D. (1998). *The shape of the river*. Princeton, NJ: Princeton University Press. (only chpt 9 required, can read intro if interested)

Debate: <http://www.npr.org/templates/story/story.php?storyId=16337441> (click on edited broadcast)

March 25: Spring Break, NO CLASS

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

Steele, C. M. (1999). Thin ice: ‘Stereotype threat’ and black college students. *The Atlantic Monthly*, 284, 44-54.

Ricci v. DeStefano No. 07–1428. (2009) (excerpts)

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)

Takagi, D.Y. (1992). Diversity, Merit, and the model minority: “Good but not exceptional students” in *The Retreat from Race: Asian-American Admissions and Racial Politics*. (pp. 57-83) Rutgers: NJ, Rutgers University Press.

9. April 8. Immigration (REACTION PAPER)

Santa Ana, O. (2002). *Brown Tide Rising* (excerpts)

Chavez, L. (2008). *The Latino Threat* (excerpts)

Section IV: Other Diversity Contexts

10. April 15. Social Class (REACTION PAPER)

Ehrenreich, B. (1999) Nickel-and-dimed on. *Harper's Magazine*, 298, 1-14.

Stephens et al. (2009). Why did they “choose” to stay? Perspectives of Hurricane Katrina observers and survivors, *Psychological Science*.

Lott, B. (2003). Cognitive and behavioral distancing from the poor. *American Psychologist*.

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

Meyerson, D. E., & Fletcher, J.K. (2000). A modest manifesto for shattering the glass ceiling. *Harvard Business Review*.

Glick, P., & Fiske, S. T. (2001). An ambivalent alliance: Hostile and benevolent sexism as complementary justifications for gender inequality. *American Psychologist*, 56, 109-118.

Belkin, L. (2003). The opt-out revolution. *The New York Times*.

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