Politics 566: Race and the Law
Paul Frymer
Office Hours, T, Th 11-12, 415 Robertson Hall
pfrymer@princeton.edu

From slavery and Native American removal to questions of citizenship to the “rights revolution” of the mid twentieth century, courts have played a particularly central role on matters of race, representation, and identity. This class examines this role with particular attention to the forms of historical and institutional development, the ways in which courts have successfully/unsuccessfully contributed to civil rights progress, and the ways in which public understandings of race have been shaped by law and legal classifications. Though not a focus, ample attention will also be paid to related questions involving sex, sexuality, class, and disability. This is primarily a reading seminar, though students will have the option of writing a research paper if they so choose.

Assignments: Students have an option of (1), completing two take home papers of roughly twelve pages in length, or (2) writing a ~25 page paper on a topic to be determined. Students are also expected to come prepared to engage the weekly readings.

Readings: There are a number of books and articles. The books are available at Labyrinth. The articles are available on blackboard or online. There will also be a series of Supreme Court cases that we will read, and should be available online through lexis or findlaw.com, etc.

September 22: Theories of Race and Racism

Alexis de Tocqueville, Democracy in America, selections


Gunnar Myrdal, An American Dilemma (1944) lxix-lxxix

Paul Sniderman and Michael Gray Hagen, Race and Inequality: A Study in American Values (1985), 20-22


Paul Gilroy, There Aint No Black in the Union Jack (University of Chicago Press: 1984), 38-40

**September 29: What do we mean by ‘the state’? What is American Political Development?**


Michel Foucault, ‘*Society Must be Defended*’, (Picador, 2003), chapter 11

**October 6: What do we mean by ‘law’?**


Daniel J. Hulsebosch, *Constituting Empire* (University of North Carolina Press, 2004), chapters TBA


**October 13: Native American Removal and the Politics of Empire**

Stuart Banner, *How the Indians Lost Their Land* (Belknap Press, 2005), 1-227

Lauren Benton, Fall, 2001, 19 Law & Hist. Rev. 479, “’The Laws of This Country:’ Foreigners and the Legal Construction of Sovereignty in Uruguay, 1830-1875,” *Law and History Review*

**October 20: Slavery and Apartheid**

Mark A. Graber, *Dred Scott and the Problem of Constitutional Evil* (New York: Cambridge University Press, 91-171

Eric Foner, *Free Soil, Free Labor, Free Men*, chapter 2


**October 27: The Legal Creation of Whiteness**


Matthew Frye Jacobson, *Whiteness of a Different Color*, chapter 7


**Insular Cases**

**November 10: The Long Civil Rights Era**


Gretchen Ritter, *the Constitution as Social Design: Gender and Civic Membership in the American Constitutional Order* (Stanford University Press, 2007), chapter 5


*United States v. Carolene Products*, 304 US 144 (1938). Read only Footnote 4


**November 17: Civil Rights Enforcement—Are Courts Anything But Hollow?**


**November 24: Understanding Title VII**


**December 1: Voting Rights**


Shaw v Reno

Material forthcoming on the Obama election

**December 8: Crime and Imprisonment**


Doris Marie Provine, *Unequal Under Law: Race and the War on Drugs* (Chicago 2007), selections


**December 15: ‘Like Race Arguments’**


Gerald Rosenberg, *The Hollow Hope*, chapters 13-14