

Carleton University

Department of Law and Legal Studies

Course Outline

COURSE: LAWS 3903 B – Selected Legal Topics: Foundations of Race and Law**TERM:** Winter 2024**PREREQUISITES:** 1.0 credit in LAWS at the 2000 level**CLASS:** Day & Time: Wednesdays, 2:35-5:25PM EST
Room: Please check Carleton Central for current class schedule.**INSTRUCTOR:** Atiya Husain**CONTACT:** Office Hours: By Appointment
Email: atiyahusain@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

The topics of this course may vary from year to year, and are announced in advance of registration.

COURSE DESCRIPTION

This course focuses on the relationship between race and law. Rather than settling on a shared or stable definition of “race” from the outset, this course will explore several thinkers’ approaches to the concept of race. We will engage in debates – studying them as well as participating in them – in order to understand the contours of each possible argument in our area of study. We study how race shapes the law through the construction of the modern state, as well as how law forms racial categories. We will ask: How does law form peoples? How do categories construct as well as obliterate? What racial epistemologies (ways of knowing) underlie contemporary western law?

REQUIRED TEXTS

Readings are listed below. They can be found in one of 3 locations online:

- in ARES on Brightspace
- on the content page on Brightspace
- via hyperlinks listed below in the course schedule

EVALUATION

Standing in a course is determined by the course instructor, subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

The way to succeed in this course is straightforward: reading is the foundation. Take notes on what you read. Attending lecture, asking questions, and taking good lecture notes help with your understanding of what you read. Keeping this up weekly will automatically prepare you for all the other work.

Discussion board posts (3) (30%, 10% each)

About 150 words, due by 10am on the day of class. These are graded Pass(10%) / Fail(0%).

What to write in your post? Do ***not*** summarize the readings. Respond to some aspect of the reading, develop a question for discussion, respond to someone who posted before you, etc. You may write about one, some, or all the day's readings; that is less important than the quality of the post. We will often talk about students' posts in class when relevant to the discussion.

Submit to Brightspace under the "discussions" tab under the relevant week. Since the point of this assignment is to think about the reading before we discuss it in class, there will be *no make-ups/late posts accepted*.

Debate/Presentation (30%)

See details on assignment including mandatory handout format and rubric at the end of the course outline.

Sign up for a debate through a Google docs link you will receive within the first few days of classes – keep an eye on your email. It will include about one paragraph of description on each debate.

Final Exam (40%)

Scheduled during the final exam period.

All components must be successfully completed in order to get a passing grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

If a student is unable to do their debate on the chosen/assigned date, the student should inform the professor via email as soon as possible so that they may join another debate group.

If there is an emergency and the student misses the final exam, contact the professor as soon as possible by email to make arrangements for a make-up exam.

SCHEDULE*Debating Major Concepts: Race, Social Construction, Intersectionality***Jan 10**

- Ray, Victor. *On Critical Race Theory*. Random House, 2022. (Chapter 1, pp.27-36)
- Fields, Barbara E. and Karen F. Fields. *Racecraft*. (Chapter 3: Of Rogues and Geldings)
- Torres, Mo. “Against Race, Toward the Abolition of Racism.” *Sociology of Race & Ethnicity* (2023): 124–127.

Jan 17

- Crenshaw, Kimberlé W. “Demarginalising the Intersection of Race and Sex: A Black Feminist Critique of Anti-Discrimination Doctrine, Feminist Theory, and Anti-Racist Politics.” *Framing Intersectionality: Debates on a Multi-Faceted Concept in Gender Studies*, no. 1, (1989): 25–42.
- Puar, Jasbir K. “I Would Rather Be a Cyborg than a Goddess.” *PhiloSOPHIA* 2, no. 1(2012): 49–66.

Jan 19 – last day for registration and course changes for full winter courses

Jan 20 – last day to sign up for a debate. After that you will be randomly assigned.

Jan 23 – debate assignments confirmed

*Making the Human, Making the Racial State***Jan 24**

- Sylvia Wynter – “No Humans Involved: An Open Letter to my Colleagues” in *Forum NHI: Knowledge for the 21st Century*

Jan 31 - Meet with your debate group

Feb 7

- Mahmood Mamdani – Introduction in *Neither Settler Nor Native*
- Mahmood Mamdani – The Indian Question in the United States in *Neither Settler Nor Native*

*Knowledge and Legal Categories***Feb 14**

- Mills, Charles W. *The Racial Contract*. Cornell University Press, 2022. (Overview chapter, pp.9-40)

Feb 21- no class, winter break

Feb 28

- Cheryl I. Harris – “Whiteness as Property” in *Harvard Law Review*
- Haney-Lopez, Ian. *White By Law: The Legal Construction of Race*. New York University Press, 2006. (Chapter 4: Ozawa and Thind)

March 6

DEBATE: Does intersectionality assume that which it seeks to challenge?

March 13

- Aníbal Quijano - “Coloniality and Modernity/Rationality” in *Cultural Studies*
- Frantz Fanon – On Violence in *Wretched of the Earth*

March 20

DEBATE: Is the nation-state a racial structure?

March 27

- Kumar, Deepa. “Terrorcraft: Empire and the Making of the Racialised Terrorist Threat.” *Race and Class*, 2020, 1–27.
- Ahmad, Fahad, and Jeffrey Monaghan. “From Probabilities to Possibilities: Terrorism Peace Bonds, Pre-Emptive Security, and Modulations of Criminal Law.” *Crime, Law and Social Change* 74 (2020): 341–59.

April 3

DEBATE: Is the war on terror a colonial endeavor?

DEBATES:

A Google doc will be sent to you via email soon after classes begin. There you will sign up for a debate. You can put your name down for one slot only and if there are no more spots left then you will need to choose another debate. You have until **January 20 at 5pm** to sign up before I randomly assign you to whatever spots are left. Each debate has slightly different directions so I recommend you read through everything before making decisions. The directions for all debaters are as follows:

- a. Work with your side only to come up with evidence to support your argument. Also think through possible points that the other side will make that you will have to respond to. Your argument is already decided for you: it is the side that you are on. Your task is to support it *convincingly* and *in good faith*.
- b. Make a handout in the format below.
- c. You can have other visuals (photos, charts, writing on the board, videos no longer than 3 minutes, etc.) but *no PowerPoint*. The information you present may show up later on the final. Handouts will make studying and note-taking easier for students who are not presenting.
- d. DEBATE FORMAT
 - i. Side 1: 15-20 minutes to present your position
 - ii. Side 2: 15-20 minutes to present your position
 - iii. 5 minutes to discuss with your group how you will respond to the other group's points.
 - iv. One question or point at a time is addressed, and the two groups alternate asking questions / making points.
 - v. Discussion – the rest of the class will ask questions, provide their perspectives, critique the debate, clarify anything that was confusing.
 - vi. A few minutes for debaters share their actual views on the topic.
- e. DEBATE GRADING RUBRIC (total = 30 points)
 - i. Your argument is supported by evidence. The evidence fits the argument well. You don't just drop the evidence and walk away, but you explain *how* your evidence supports your argument. You anticipated counter-arguments from the other side and had a good response that relies on making evidence work for you, rather than empty rhetoric, cheap debate tactics, or trying to "get" the other side. (16 points)
 - ii. Everyone in the group speaks. (4 points)
 - iii. The handout is useful for other students to understand your argument. It follows the format below. (8 points)
 - iv. Overall: everyone is respectful and thoughtful, and any other considerations subject to my discretion. (2 point)
 - v. There will be an opportunity to fill out a sheet reviewing the quantity and quality of the work completed by others in your group. Divide the labor fairly. Barring extreme circumstances, everyone in the group will get the same grade.

DEBATE HANDOUT FORMAT:

A note to debaters: the purpose of the handout is for non-debaters in the classroom to be able to follow your points, for them to see plainly what supports your claims. This also serves as a study guide. The purpose of the handout is NOT for you as a debater to read from it word for word as you present. Have your own notes so that the audience does not feel as though you are just reading aloud what they could easily read silently.

Email this to me by 5pm the day before your in-class debate so I can post it on Brightspace for non-debaters.

THE QUESTION BEING DEBATED
YOUR POSITION (YES OR NO, etc)
THE NAMES OF EVERYONE IN YOUR GROUP

Argument: write out a short summary of your argument and main claims here. 2-3 sentences.

Claim	Evidence	Explanation	Notes
You will have several claims to support your argument. In other words, your argument is divided into a series of claims that you need to support. This means that your table will have several rows. The quantity of your claims is not as important as the quality.	Here, you will have bullet points with the pieces ¹ of evidence ² that support each claim. You will also have footnotes in this section that offer the sources of each piece of evidence. ³ Always, always have sources listed for statistics.	This is where you explain each bit of evidence. Remember that even arguments that are diametrically opposed to each other are using the same evidence! This means that your evidence is only as good as your explanation for why it supports your claim and thus your argument.	The students who created this brilliant handout format left this box empty so that non-debating students would have a place to take notes. So considerate, right?
Claim 2			
Claim 3			
Etc.			

¹ Look, a footnote with a citation that is in any format but includes the following information: author, date, publication, a link if applicable.

² This is how we will be able to tell if your sources are legitimate.

³ Quick tip: Wikipedia is not to be cited. You can start your research there and follow the citations to something reputable. You would then cite the reputable places and not Wikipedia.

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one’s own.*” This includes reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another’s data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one’s own; and
- failing to acknowledge sources through the use of proper citations when using another’s work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course’s instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the

student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of “F” for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.com>

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows.

Pregnancy Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation Form that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

Religious Obligation

Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

Academic Accommodations for Students with Disabilities

The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/equity/sexual-assault-support-services>

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>.

For more information on academic accommodation, please visit: <https://students.carleton.ca/services/accommodation/>.