

Carleton University

Department of Law and Legal Studies

Course Outline

COURSE: LAWS 5007 F - Race, Ethnicity and the Law

TERM: Fall 2023

PREREQUISITES: N/A

CLASS: Day & Time: Mondays, 2:35-5:25pm EST
Room: Please check Carleton Central for class location

INSTRUCTOR: Atiya Husain

CONTACT: Office Hours: By appointment
<https://atiya-husain-ofc-hrs.youcanbook.me>
Email: atiyahusain@cunet.carleton.ca

CALENDAR COURSE DESCRIPTIONS

Examines ways race and racism interact with gender and class in shaping legal system. Explores ways legal system institutionalizes racism and potential for using the legal system to combat racism. Selected areas such as immigration law and native rights may be used to illustrate themes.

COURSE DESCRIPTION

This graduate seminar surveys a range of theoretical approaches to race in relation to law. Grounded in the law in the broadest sense, course themes include sovereignty, the formation of the nation state, colonization, as well as religion and the secular.

We will closely study theoretical approaches to race that come out of a range of social science and humanities disciplines and methodologies, including approaches put forth in the Black radical tradition, whiteness studies, critical race theory, and decolonial thought. Critical race theory comes out of legal studies and is one of several critical approaches to the study of race; all of the surveyed approaches engage law. One goal of the course is to introduce seminar participants to ways of engaging in research on race and law that do not hold exclusively to the most popular paradigms inside of legal studies, but can creatively engage other paradigms to enrich our work inside of legal studies. Our goal is to begin recognizing the ways in which race – far from being a

singular or uniformly understood mode of difference – can be engaged in law through a range of theories.

The course will explore questions on race and law: what sort of redress is made possible using the framework of “race,” and what transformative possibilities are foreclosed? How does the twentieth century trajectory of the concept shape the twenty-first century racial politics? How does the state form structure the concept of race?

REQUIRED TEXTS

The readings are available as PDFs in ARES on Brightspace.

FURTHER READING

Achille Mbembe - “Necropolitics” in *Public Culture*

Ania Loomba - “Periodization, Race, and Global Contact” in *Journal of Medieval and Early Modern Studies*

Anne McClintock - *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest*

Anthony Christian Ocampo - “Are second-generation Filipinos ‘becoming’ Asian American or Latino? Historical colonialism, culture and panethnicity.” in *Ethnic and Racial Studies*

Carol Pateman - *The Sexual Contract*

Carol Pateman and Charles Mills - *The Contract and Domination*

Cheryl I. Harris - “Whiteness as Property” in *Harvard Law Review*

Claire Jean Kim - “The Racial Triangulation of Asian Americans” in *Politics & Society*

Daniel Martinez-Hosang, Oneka LaBennett, and Laura Pulido - *Racial Formation Theory in the Twenty-First Century*

Derrick Bell - “Brown v. Board of Education and other interest convergence dilemma” in *Harvard Law Review*

Falguni A. Sheth - *Toward a Political Philosophy of Race*

George Lipsitz - *The Possessive Investment in Whiteness*

Gerald Horne - *The Apocalypse of Settler Colonialism: The Roots of Slavery, White Supremacy, and Capitalism in Seventeenth-Century North America and the Caribbean*

Geraldine Heng - *The Invention of Race in the European Middle Ages*

Helen Heran Jun - *Race for Citizenship: Black Orientalism and Asian Uplift from Pre-Emancipation to Neoliberal America*

Ian Haney-Lopez - *White By Law: The Legal Construction of Race*

Jasbir K. Puar - “I Would Rather be a Cyborg than a Goddess”

Joseph Massad - *Islam and Liberalism*

Junaid Rana - *Terrifying Muslims: Race and Labor in the South Asian Diaspora*

Leti Volpp - “The Citizen and the Terrorist” in *UCLA Law Review*

Lewis Gordon - *Freedom, Justice, and Decolonization*

Mahmood Mamdani - *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror*

Nasser Hussain - *The Jurisprudence of Emergency: Colonialism and the Rule of Law*

Natalia Molina - *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts*

Patricia Hill Collins - *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*

Ramon Grosfoguel and Eric Mielants - *The Long-Durée Entanglement Between Islamophobia and Racism in the Modern/Colonial Capitalist/Patriarchal World-System: An Introduction. Human Architecture: Journal of the Sociology of Self-Knowledge*

Raoul Peck - "Exterminate All the Brutes" on HBO (for further watching)

Roderick Ferguson - *The Reorder of Things: The University and its Pedagogies of Minority Difference*

Sherman Jackson - "Black Orientalism: Its Genesis, Aims, and Significance for American Islam" in *Black Routes to Islam*

Stefano Harney and Fred Moten - *The Undercommons: Fugitive Planning and Black Study*

Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, Brian Roberts - *Policing the Crisis: Mugging, the State, and Law and Order*

Sunaina Maira - "Citizenship, Dissent, Empire: South Asian Muslim Immigrant Youth" in *Being and Belonging: Muslims in the United States Since 9/11*

EVALUATION

How to approach this course:

As a seminar, the success of the course is heavily dependent on your preparation and engagement with the texts and each other. The best preparation involves closely reading the assigned texts with a focus on understanding the author's arguments. Reconstructing the argument is our first task. Many of our readings are presented as debates between two intelligent positions, so agreement with the reading is not what is required of you. Rather, deep engagement with the arguments is the goal of the course.

As you read for this course, here are some questions you may ask yourself to understand the contours of the argument of any given reading:

What questions drive the book/article/chapter? Or, what does the author want to know/explain?

How did the author arrive at their conclusions? How is the argument supported?

What research methods were used? What is the nature of the evidence and how is it analyzed?

Who is the author in conversation with? What literatures and/or debates are they intervening in? Who/what are they arguing *against*? Who/what are they arguing *for*?

How is the author thinking about race, racism, ethnicity, and law? How do they define, periodize, historicize, and situate these concepts, and in relation to what events, concepts, and thinkers?

Grading:

- A/B: you are doing all the work exceptionally, you have turned everything in (even if you required an extension, which we discussed in advance of the due date), you engage in good faith discussion with other students and the professor in the class, you ask questions when you do not understand something.
- C: you have not participated in class and have skipped multiple classes without letting me know ahead of time, your work is submitted late without advance notice of any kind.
- D/F: you have not submitted all discussion board posts and are doing almost nothing at all in the course.

The assigned work and percentage breakdown informing the above letter grades is the following:

4 Discussion Board Posts (~150 words each) - 40%

Your response may be used to guide class discussion. You may be called upon to discuss your post.

What to write in your post? 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 of the day's readings; that is less important than the quality of the post.

Final paper - 60% (Mid-semester check-in re: paper: 10%. Full paper: 50%)

This approximately 15-18 page paper is on a topic of your choice as long as it draws significantly on two readings from the course. You may use the link at the top of the syllabus to set up a meeting with me any time in the term before late October or early November for us to review your plan for your paper, OR we can discuss your plan over email first and then see if a meeting would be helpful to develop your ideas further. This meeting/email exchange is worth 10% of your grade. Further directions on the paper will be posted on Brightspace.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

On final paper: If you require an extension on the final paper, email me. Let me know how long you will need and we can discuss it. Extensions for longer than 7 days will

normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

On discussion board: The purpose of the discussion board is to be in conversation with others, to share your perspective on the reading(s) and learn others', and to shape the discussion in class. These goals are not met if students post *after* class. Posts made after Monday at noon will lose 5 out of 10 points.

On attendance: If you expect to miss class, please inform me ahead of time. If you miss 3 classes or more, it will be difficult to pass the class.

SCHEDULE

Debating Major Concepts: Race, Social Construction, Intersectionality

Week 1, Sept 11

- Ray, Victor. *On Critical Race Theory*. Random House, 2022. (Chapter 1, pp.27-36)
- Jean Stefancic, and Richard Delgado. *Critical Race Theory: The Cutting Edge*. Vol. 3rd ed. Philadelphia: Temple University Press, 2013, ("The Social Construction of Race" by Ian F. Haney López, pp.238-248)
- Torres, Mo. "Against Race, Toward the Abolition of Racism." *Sociology of Race & Ethnicity* (2023): 124-127.
- Gilroy, Paul. *Against Race: Imagining Political Culture Beyond the Color Line*. Belknap Press of Harvard University Press, 2000. (Chapter 1, "The Crisis of 'Race' and Raciology" pp.1-53)

Week 2, Sept 18

- Fields, Karen E. and Barbara J. Fields. *Racecraft: The Soul of Inequality in American Life*. Verso. 2022. "Introduction" pp.1-24 and Chapter 1 "A Tour of Racecraft" pp.25-74)
- Heideman, Paul. "Racecraft as a Challenge to the Sociology of Race." *Sociology of Race & Ethnicity* (2023): 119-123.

Week 3, Sept 25

- 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.

Colonialism, State, -Isms and -Phobias

Week 4, Oct 2

- Mamdani, Mahmood. *Neither Settler nor Native : the Making and Unmaking of Permanent Minorities*. The Belknap Press of Harvard University Press, 2020. (Introduction Chapter: pp.1-36)
- Mills, Charles W. *The Racial Contract*. Cornell University Press, 2022. (Overview chapter, pp.9-40)

[no class Oct 9 – statutory holiday]

Week 5, Oct 16

TBD

[no class Oct 23 – fall break]

Week 6, Oct 30

- Quijano, Aníbal. “Coloniality and Modernity/Rationality.” *Cultural studies*. 21.2-3 (2007): 168–178.
- Mignolo, Walter D. “Islamophobia/Hispanophobia: The Configuration of the Racial Imperial/colonial Matrix.” *Human architecture* 5.1 (2006): 13–28.

Week 7, Nov 6

TBD

Week 8, Nov 13

- Said, Edward W. *Orientalism*, Knopf Doubleday Publishing Group, 2014. (Introduction chapter)
- Hallaq, Wael. *Restating Orientalism : A Critique of Modern Knowledge*. Columbia University Press, 2018. (Introduction chapter, pp.1-26)

The 1960s Moment: Revolution and Recognition

Week 9, Nov 20

- Melamed, Jodi. *Represent and Destroy Rationalizing Violence in the New Racial Capitalism*. Minneapolis: University of Minnesota Press, 2011. (Introduction Chapter, pp.1-50)
- Long, Charles H. “The Humanities and ‘Other’ Humans.” In *Ellipsis...The Collected Writings of Charles H. Long*, Bloomsbury Publishing, 2018. Pp.321-328

Week 10, Nov 27

- Wynter, Sylvia. “On How We Mistook the Map for the Territory, and Reimprisoned Ourselves in Our Unbearable Wrongness of Being, of Desêtre: Black Studies Toward

the Human Project." *A Companion to African-American Studies*. Oxford, UK: Blackwell Publishing Ltd, 2006. pp. 107-118.

Week 11, Dec 4

- Coulthard, Glen Sean. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press, 2014. (Chapter 1, pp.1-24)
- Bonilla-Silva, Eduardo. *Racism Without Racists : Color-Blind Racism and the Persistence of Racial Inequality in America*. Vol Fifth edition. Rowman & Littlefield Publishers, 2018. (Chapter 2, "The New Racism: The U.S. Racial Structure since the 1960s" pp.17-52)

Dec 10

Final Paper Due

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

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism 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, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: <https://carleton.ca/registrar/academic-integrity/>. For the purposes of this class, the use of ChatGPT would fall under plagiarism unless you are asked to use it.

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/>