

Carleton University

Department of Law and Legal Studies

Course Outline

COURSE: LAWS 3903 A – Selected Legal Topics: Foundations of Race and Law**TERM:** Fall 2021**PREREQUISITES:** 1.0 credit in LAWS at the 2000 level**CLASS:** Day & Time: Thursdays, 11:30AM-2:30PM EST
Room: Online via Zoom (see Brightspace for link)**INSTRUCTOR:** Atiya Husain**CONTACT:** Office Hrs: By Appointment
<https://atiya-husain-ofc-hrs.youcanbook.me>
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. In closely studying these approaches, one goal of the course is to understand the relationship between theorizations of race and the work of all sorts of legal actors: from citizens to “terrorists,” lawyers and lawmakers. Case studies on the Black Panther Party and the law, abolitionism, and broken windows policing are woven through the course to enrich our study by allowing us to consider the relationship between theory and practice. We also 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?

Synchronous Course: This course is a real-time, online course where the instructor and students meet via web conferencing tools, at scheduled days and times. Instructors and students share information, ideas and learning experiences in a virtual course environment. Participation in synchronous courses requires students to have reliable, high-speed internet access, a computer (ideally with a webcam), and a headset with a microphone.

REQUIRED TEXTS

All readings are available in ARES on the course Brightspace page, or via hyperlinks listed below in the course schedule.

EVALUATION

Participation – 20%

Two 2-page reading response papers – 5% each for 10% total

These are graded Pass(5%) / Fail(0%). Do ***not*** summarize the reading, but rather, discuss just one particular aspect of the reading that you found interesting. Although you certainly will not be able to address them all in two pages, here are some questions you may consider as you discuss the reading of your choice:

What questions animate the work?

What is the author arguing against? What are they arguing for?

What are the implications of the author's argument?

The goal of this assignment is for you to engage the reading beyond summary and to practice critical thinking, which involves exploring what sort of questions you can ask of various ideas and arguments. You are not limited to the questions above, but they can be starting point.

Submit to Brightspace under the "assignments" tab. The title of the document should be "Response to [Author & Name of Reading]."

References/bibliography and outside research are not required.

12-point font, double-spaced.

Due dates: The response is due before class by 11am on the day that particular reading is assigned. The first response is due anytime before the midterm exam, and the second response anytime before the final exam. You can do both before the midterm if you wish.

Group presentation – 10%

About 4-6 students will lead discussion each week, except for the first week, when we will create the schedule for the semester. A sign-up sheet will be circulated through Google Docs after the first class period, and you can sign up for any slot you like.

Presentations must be 40 minutes, not including Q&A. They can be on one reading from the day or all of them. Please do not regurgitate each section of a reading. Rather, select a few themes, passages, or aspects, and discuss them. After your presentation, you will lead Q&A/discussion with 4-5 questions you have developed for the class and/or for me, since some of the readings are difficult and there will be some confusion. I can help you before/after/during your presentation. The only major requirement of your presentation is that it be 40 minutes. The purpose of the Q&A/discussion time to provide you with a space to question the material, but also to talk it out with each other.

Midterm Exam – 40%

Open book, open note. Take-home format. Distributed October 11 and due October 18. All via Brightspace.

Final Exam – 40%

Open book, open note. Take-home format. Scheduled during the official exam period.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

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).

SCHEDULE**Sept 9**

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

Sept 16

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

Sept 23

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

Sept 30

- Aníbal Quijano – “Coloniality and Modernity/Rationality” in *Cultural Studies*
- Eduardo Bonilla-Silva – “The Frames of Colorblind Racism” in *Racism without racists: Color-blind racism and the persistence of racial inequality in America*

Oct 7

- Kimberle Crenshaw – “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color” in *Stanford Law Review*

Oct 11 – Midterm Exam Distributed**Oct 14**

- Ian Haney Lopez – “‘Ozawa’ and ‘Thind’” in *White By Law: The Legal Construction of Race*
- Anouar Majid – “Muslim Jews” in *We Are All Moors*

Oct 18 – Midterm Exam Due**Oct 21**

- Franz Fanon – On Violence in *Wretched of the Earth*

[Oct 28 – no classes]

Nov 4

- [TBD]

Nov 11

- National Conference of Black Lawyers – “A Decade in Defense of Human Rights 1968-1978” (focus on pp.14-15)
- Assata Shakur – “Women in Prison: How We Are” in *The Black Scholar*

- Sohail Daulatzai - "Are We All Muslim Now? Assata Shakur and the Terrordome" in *Al-Jazeera* <https://www.aljazeera.com/opinions/2013/5/9/are-we-all-muslim-now-assata-shakur-and-the-terrordome>

Nov 18

- Dhoruba bin Wahad - "Assata Shakur, Excluding the Nightmare After the Dream: The 'Terrorist' Label and the Criminalization of Revolutionary Black Movements in the USA" in *Look For Me in the Whirlwind: From the Panther 21 to 21st-Century Revolutions*

Nov 25

- Rozina Ali - "The Herald Square Bomber Who Wasn't" in *The New York Times* <https://www.nytimes.com/2021/04/15/magazine/fbi-international-terrorism-informants.html>
- Azmat Khan and Anand Gopal - "The Uncounted" in *The New York Times* <https://www.nytimes.com/interactive/2017/11/16/magazine/uncounted-civilian-casualties-iraq-airstrikes.html?mtrref=www.google.com&gwh=59660F521FFB2B6665F84BBF61F329FA&gwt=regi&assetType=REGIWALL>
- Nasser Hussain - "The Sound of Terror: Phenomenology of a Drone Strike" in *Boston Review* <http://bostonreview.net/world/hussain-drone-phenomenology>

Dec 2

- Angela Davis - "The Prison-Industrial Complex" in *Are Prisons Obsolete?*
- Ruth Wilson Gilmore - "Abolition Geography and the Problem of Innocence" in *Futures of Black Radicalism*
- Is Prison Necessary? Ruth Wilson Gilmore Might Change Your Mind: <https://www.nytimes.com/2019/04/17/magazine/prison-abolition-ruth-wilson-gilmore.html>

Dec 9

- James Q. Wilson and George Kelling - "The Police and Neighborhood Safety: Broken Windows" in *The Atlantic Monthly* <https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/>
- Amna Akbar - "National Security's Broken Windows" in *UCLA Law Review*

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical

distancing, hand hygiene, respiratory and cough etiquette) and [mandatory self-screening](#) prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory [symptom reporting tool](#). For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the [COVID-19 website](#).

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the [University's COVID-19 webpage](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the [Student Rights and Responsibilities Policy](#). Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:
<https://students.carleton.ca/course-outline/>.

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](#).

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 [click here](#).

Academic Accommodations for Students with Disabilities

If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (PMC) at 613-520-6608 or pmc@carleton.ca for a formal evaluation. 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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable): <https://carleton.ca/pmc>.

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/>.

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 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/studentsupport/svpolicy/>.

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 contact the departmental administrator or visit: <https://students.carleton.ca/services/accommodation/>.

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: <https://carleton.ca/law/student-experience-resources/>.