

Course Outline

COURSE: LAWS 5007.W – Race, Ethnicity, and the Law

TERM: Winter 2025

PREREQUISITES: Open to Legal Studies graduate students

CLASS: **Day & Time:** Tuesdays, 2:35 – 5:25pm

Space: Please check Carleton Central for room assignment

PROFESSOR: Christiane Wilke

CONTACT:

Office Hrs: By appointment (Zoom or in person)

Email: christiane.wilke@carleton.ca

CALENDAR COURSE DESCRIPTION

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

In this course we examine how relationships between law, race, and ethnicity have been conceptualized. The readings combine North American approaches such as Critical Race Theory with transnational and global approaches such as Third World Approaches to International Law. We start by reading half of a book on Blackness in the US and Canada by Debra Thompson, a graduate of the

Legal Studies MA Program. We then look at race and law through four thematic focal points: *imperialism, slavery, settler colonialism, and migration*. To finish the course, we read the second half of Debra Thompson's book and reserve a week to discuss research paper topics.

REQUIRED TEXTS

Please purchase a copy of Debra Thompson, *The Long Road Home: On Blackness and Belonging* (Toronto: Scribner), available as paperback or e-book: <https://www.simonandschuster.ca/books/The-Long-Road-Home/Debra-Thompson/9781982182465>. The price might vary; the e-book is currently selling for \$18.99 and the paperback for \$24.99.

RECOMMENDED TEXTS

We will read significant portions of the following books, which will be available from the Carleton University Library as e-books. If you are especially interested in any of these books and prefer paper copies, you might benefit from purchasing your own copy.

Please note that I have not placed any order with any bookstore. However, I recommend ordering from local small bookstores such as Octopus Books (<https://octopusbooks.ca/>) or online sellers that support local bookstores, such as Book Shop (<https://bookshop.org/>).

Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Durham and London: Duke University Press, 2015).

Renisa Mawani, *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire* (Duke University Press, 2018).

Olúfémi O. Táíwò, *Reconsidering Reparations* (Oxford University Press, 2022).

Ntina Tzouvala, *Capitalism as Civilisation: A History of International Law* (Cambridge University Press, 2020).

LOGISTICS AND PRIORITIES

What is this course about and what matters?

The course is designed to be a seminar. It is driven by student questions, concerns, and engagement, not by some professorial magic. The seminar discussion is not about being right, but about collectively asking questions, trying out answers, and seeing the promise and limits of theories. We can also use the class discussion to talk about our experiences reading, discussing, and writing the texts.

Participating in the discussions is much more important than I can express in grades. It helps you make

sense of the texts, think more complex thoughts, connect with your peers, and ultimately write better papers. Yet grading participation is complicated: it encourages “look at me being brilliant” participation, and it directs my attention to the grading rather than leading (and following) the discussion. That’s why there is only a small direct numerical value on class participation, but I want to hear from you (almost) all of the time.

EVALUATION & ASSIGNMENTS

In this course, we aim to balance breadth of engagement with different authors and issues with depth. You are asked to discuss readings on Brightspace ahead of class (15%) and to submit three short analysis and response papers on different readings throughout the class (30%). In the second half of the class, you will focus on your own research project by writing a paper proposal (5%) and then a research paper (40%).

1. Class Engagement

- Discussion questions (15%).

Please let me know what you would like to discuss before we step into the classroom. **Over the course of the weeks with readings, please post fifteen comments, queries, or questions about the readings before class. They are due Tuesdays at noon before class.** The point of the questions is not to show me what you have understood, but what you want to figure out during class. **One question equals a point** (unless there’s no indication that you have done the reading). You are very welcome to respond to (and build on) questions asked by your colleagues.

- Presentation on one text (5%).

Each student will prepare a brief presentation on one of the readings (or, in some cases, a portion of the reading). The presentation cannot and should not aim to give a comprehensive summary or critique of the text. The presentation should briefly introduce the text, might give some context on the text or author, and discuss two or three issues raised in the text. It should be 5-10 minutes long.

- Seminar participation (5%).

This category rewards participation in the seminar discussion, taking account of: **quantity** (how much you participated), **quality** (the understanding and thoughtfulness displayed in the comments & questions), and **collegiality** (the ability and willingness to engage in a respectful discussions with others).

2. Analysis & Response Papers (30%)

- Three analysis & response papers in which you select a conceptual/theoretical aspect of the readings that is interesting to you analyze it, and develop an argument of your own. Each paper should be 5-6 pages long (double spaced, 1 inch margins) and will be worth 10% of the overall mark.
- Your analysis & response paper may not repeat the contents of your class presentation. While your paper can refer to the same text that you are presenting on, both assignments need to be clearly different in content.
- Analysis & response papers are due (via Brightspace) before the beginning of the class in which we discuss the readings.
- The first of these papers has to be submitted no later than week 4. The other papers can be submitted (no more than one per week) at any time during the course.
- If one or more of these papers don't turn out the way you (and I) are happy with, you are welcome to write additional papers. The best three analysis & response paper marks count.

3. Research Paper

- **Research Paper Proposal (5%):** 2-3 pages double-spaced, **due March 4th**. The proposal should describe the proposed research including sources, methods, and theoretical concepts.
- **Final Research Paper (40%):** Write a research paper that addresses and develops themes, issues, and/or theories addressed in this course. The research paper can build on analyses from your analysis & response papers but not re-use them. The research paper should be between 20 and 22 pages long (double-spaced), excluding endnotes and bibliography (if applicable). Research papers are due on Sunday, **April 13th at 11:59pm** via Brightspace.

Official disclaimer: 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.

ACCOMMODATIONS AND REQUESTS FOR EXTENSIONS

In this course, deadlines for different assignments are set for different reasons, but they should not become barriers. Depending on the reasons for the deadlines, we can either move the deadline or modify the assignments for any student who is experiencing significant barriers (medical or otherwise) to completing the assignments.

Analysis & Response Papers: The papers are due before class in order to make sure that no student

had the extra benefit of relying on class discussion. If you are unable to submit the paper on time for medical or other reasons, there are two options: (1) if you haven't been able to do a lot of work on the paper yet, skip it and focus on the next week. (2) If you are very close to finishing it, you may ask for an extension.

Research Papers: If you are dealing with circumstances that prevent you from dedicating the usual amount of time to this class and you require an extension on these assignments, please let me know.

Asking for accommodations & extensions: what do I need to know? You don't need to tell me more than you think I need to know to help you navigate this course. For some accommodation requests, it might be helpful if I have a sense of how (and for how long) your ability to participate, read, or write will be affected. But in other cases, a boilerplate email is sufficient. (Example: "Due to a family emergency, I haven't been able to submit this assignment, but I expect to be able to complete it by Friday." Or: "Due to a medical procedure I will be unable to read anything for the next three days.")

For longer extensions and requests to modify the assignment or evaluation structure, I might ask you to complete the Request for Academic Consideration process: <https://carleton.ca/registrar/academic-consideration-coursework/>.

ACADEMIC INTEGRITY

As a graduate student, you are developing your skills and identity as a scholar. Maintaining high standards of academic integrity is central to this process: be the kind of scholar that you would like to read and work with. A central component of good scholarly practice is to show how you have been relying on the work of researchers who came before you. This means that in discussions we acknowledge our influences and in our written work, we quote and cite others to show our intellectual debts and relationships. If we use specific terms or phrases (let alone sentences) from other authors, the use of quotation marks is essential. Good quoting and citing practices help to separate your voice from that of others and highlight your contributions.

In this class you can use any citation style that works for you as long as you give the pinpoint reference (precise page number or page range) if appropriate. Please consult the Carleton University Library for quick guides (<https://library.carleton.ca/guides/help/citing-your-sources>) on citation styles.

Research is a collaborative effort, but there are rules about what forms of collaboration require to include someone else as a co-author. All your assignments in this course are expected to have you as the sole author (unless you have asked for and received written permission for another format). This means, among other things:

- You may ask others to look over your work for spelling, grammar, and clarity.
- You may discuss your research projects with anyone (in the class and beyond).
- Any distinctive ideas that others have contributed need to be acknowledged (example

footnotes: "Jeanne Doe, personal communication" or "I'm grateful to Jeanne Doe for suggesting this connection."

- You may not rely on or incorporate text generated by AI (such as ChatGPT) unless you have (1) asked and received permission for a specific use in writing, and (2) clearly mark the extent of the text that has been generated by AI (similar to citing and quoting human authors).
- You may not re-use text you have submitted for another assignment for this or any other class without permission. While you are encouraged to build on previous work, we want to see a development of your research and not a mere repetition of text.

Academic integrity violations will be taken seriously because they undermine the trust and respect we need to place in each other. At the same time, I would like to encourage you to treat the official academic integrity rules as a minimum standard and to aim for ethical, respectful, and just research and citational practices.

WHAT DO GRADES MEAN?

Although learning shouldn't be about grades, grades can matter for your progress in the program, your ability to apply for scholarships, and your sense of accomplishment. The graduate grade scale differs from the undergraduate grade scale. The following table illustrates the relationship between letter grades, percentages, and levels of achievement in the Department of Law and Legal Studies. I will give comments on all assignments to help you understand the strengths and areas of improvement for your work. In the end, grades matter, but your intellectual journey is unique and cannot be fully described by grades.

Grade	Percentage	Description
A+	90-100	Exceptional work that is technically sound and original. Work demonstrates insight, understanding and independent application or extension of course expectations; often of publishable quality.
A	85-89	Very good work that demonstrates a very high level of integration of materials/ relevant scholarship. Work shows insight, understanding and independent application or extension of course expectations.
A-	80-84	Quality work that represents a high level of integration, comprehensiveness and complexity, as well as proficiency of relevant techniques/concepts.
B+	77-79	Satisfactory level of integration, comprehensiveness, and complexity; demonstrates a sound level of analysis with some weaknesses.
B	73-76	Unsatisfactory work that represents below a basic level of integration of key concepts/procedures. Comprehensiveness or technical skills may be lacking.
B-	70-72	Does not fulfill the course expectations. Work reveals deficiencies in knowledge, understanding or techniques.
C+	67-69	Unacceptable work at the graduate level. Represents an unacceptable level of integration, comprehensiveness and complexity. <i>(Carleton University requirements: "A grade of B- or better must normally be obtained in each course credited towards the master's degree" and a grade of B- must be obtained in each course credited towards the PhD. Grades below B- may result in the student's removal from the Program. See http://calendar.carleton.ca/grad/gradregulations/administrationoftheregulations/#11)</i>
C	63-66	
C-	60-62	
D	50-59	
F	0-49	Fail. Unsatisfactory performance, even though student completes course requirements including submission of final paper/ completion of final exam.

SCHEDULE**January 7th****Week 1 – Introduction**

*Debra Thompson, *The Long Road Home: On Blackness and Belonging* (Toronto: Scribner), 1–103.

January 14th**Week 2 – Theorizing Race**

Richard Delgado and Jean Stefancic, *Critical Race Theory*, 4th edition (New York: NYU Press, 2023) [pdf: <https://www-jstor-org.proxy.library.carleton.ca/stable/jj.8784640>]

January 21st**Week 3 – Empire, Civilization, and Capitalism**

Ntina Tzouvala, *Capitalism as Civilization: A History of International Law* (Cambridge University Press, 2020), 1–87.

Nicola Perugini & Neve Gordon, “Medical Lawfare: The Nakba and Israel’s Attacks on Palestinian Healthcare,” *Journal of Palestine Studies*, 53:1 (2024): 68-91.

January 28th**Week 4 – Third World Approaches to International Law**

Antony Anghie, “Rethinking International Law: A TWAAIL Retrospective,” *European Journal of International Law* 34(1) (2023): 7–112.

February 4th**Week 5 – Focus on Palestine**

Edward Said, *Orientalism*. First Vintage Books ed. (New York: Vintage Books, 1979), 1–28.

Francesca Albanese, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: Genocide as Colonial Erasure*. United Nations General Assembly, A/79/384, October 2024. Available online:

<https://documents.un.org/doc/undoc/gen/n24/279/68/pdf/n2427968.pdf>.

[additional reading(s) TBA]

February 11th

Week 6 – Blackness and Surveillance

Simone Browne, *Dark Matters: On the Surveillance of Blackness* (Duke University Press, 2015), 1 – 129.

Further reading (recommended, not expected):

E. Tendayi Achiume, *Racial and Xenophobic discrimination and the use of digital technologies in border and immigration enforcement*, Human Rights Council, 48th session (2021), [A/HRC/48/76](https://www.ohchr.org/en/special-procedures/sr-racism/annual-thematic-reports). Available here: <https://www.ohchr.org/en/special-procedures/sr-racism/annual-thematic-reports>.

February 25th

Week 7 – Intersectionality and Abolition

Kimberle Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color,” *Stanford Law Review*, Vol. 43, No. 6 (Jul., 1991), 1241 – 1299.

Mariame Kaba and Andrea Ritchie, *No More Police: A Case for Abolition* (The New Press, 2022), 1 – 39.

March 4th

Week 8 – Settler Colonialism & Indigenous Sovereignty

Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* (2006), 8(4), 387–409.

Sheryl R. Lightfoot, “Decolonizing Self-Determination: Haudenosaunee Passports and Negotiated Sovereignty,” *European Journal of International Relations*, 27(4) (2021), 971 – 994.

Amar Bhatia, “Re-peopling in a settler-colonial context: the intersection of Indigenous laws of adoption with Canadian immigration law,” *AlterNative* 14(4) 2018: 343 – 353.

Jodi A. Byrd, “Weather with You: Settler Colonialism, Antiracism, and the Grounded Relationalities of Resistance,” *Critical Ethnic Studies* 5 (2019): 207 – 214.

March 11th

Week 9 – Litigating Race and Status

Jessica Kolopenuk, “The Pretendian Problem,” *Canadian Journal of Political Science* 56 (2023): 468 – 473.

Darryl Leroux, “Proximity, Family Lore, and False Claims to an Algonquin Identity,” *Genealogy* 8 (2024): 125.

Kim TallBear, "Indigenous Genocide and Reanimation, Settler Apocalypse and Hope," *aboriginal policy studies* 10 (2023): 93–111.

Mansi Hitesh, "Troubling transracialism: a transnational perspective," *Feminist Theory* (2024), <https://doi.org/10.1177/14647001241231717>.

March 18th

Week 10 – Borders and Mobilities

Renisa Mawani, *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire* (Duke University Press, 2018), 1–34, 189–239.

E. Tendayi Achiume, "Racial Borders," *Georgetown Law Journal* 110 (2022): 445–508.

March 25th

Week 11 – Redress

Olúfémi O. Táíwò, *Rethinking Reparations* (Oxford University Press), 1–14; 104–208.

April 1st

Week 12 – Going home?

*Debra Thompson, *The Long Road Home: On Blackness and Belonging* (Toronto: Scribner), 105–216.

April 8th

Week 13 – Looking Back

Class format TBA, most likely informal presentations and discussions on research paper projects.

[The research paper is due on April 13th.]

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://carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf>

Pregnancy

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](#).

Religious obligation

If class times and/or assignment schedules conflict with any of your religious obligations, please let me know in advance, ideally during the first two weeks of classes or whenever you discover the conflict. For more details on the official policy, [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://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. <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/current-students/>