

# Course Syllabus

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Office: Room 334

Fall Quarter 2019

Office Hours: Tuesdays, 3:30 - 4:30 , and by appointment.

## Course Description and Learning Goals

This class focuses on an intellectual movement in legal scholarship called critical race theory (CRT). Beginning in the late 1980s, scholars of color developed a position on race and law that was critical of class-based left scholarship, mainstream liberal legal scholarship, and traditional civil rights jurisprudence. Critical race theorists critique class-based scholarship for paying insufficient attention to race, and liberal/civil rights scholarship for the limitations of its reformist program.

CRT advanced several intellectual commitments which we will discuss in this class: a) the liberal legal tradition that governs our political, social, and economic institutions (even law that purports to advance race neutrality) reflects the exercise of white racial power and also works to create that racial power; b) notwithstanding the first premise, the law can and should be used to advance particular political commitments, specifically to dismantle racial power and to empower communities of color.

We will begin by exploring the historical developments of CRT from Critical Legal Studies (CLS) and move through its contemporary nuances. We will introduce key concepts associated with critical race theory, and examine the specific analytic strategies critical race theorists deploy to discuss the uses and meanings of “race” in U.S. legal institutions and ideology. In the second half of the course, we will situate critical race theory in broader national debates about race, power, and public policy in the contemporary “post-civil rights” era. We will conclude by examining how critical race theory might inform lawyering practices, thinking through the role of the lawyer in helping clients and communities realize racial justice goals.

## Learning Objectives

At the end of the class you should

- Have a sophisticated understanding of Critical Race Theory as it has developed in U.S. legal scholarship, and understand how it has influences U.S. legal theory
- Have developed the ability to apply key concepts related to Critical Race Theory to contemporary debates
- Have developed the ability to engage in oral and written communication on key concepts of Critical Race Theory and related debates

## Requirements

### ***IN CLASS PARTICIPATION***

The readings for this semester will be available on Canvas and in the required book. You are expected to read all the assigned material for the class in advance of the class session, attend every class, and participate actively in discussion. Missing more than three class sessions will have an impact on your grade. I do not keep track of excused/unexcused absences. It is your job to manage your allotted absences in terms of illness, professional obligations, and family obligations. Only contact me if you have a significant, serious issue that you know will result in exceeding the allotment (such as caring for a seriously ill family member, ongoing medical issues, etc.). **Please do not contact me about your attendance otherwise.**

This is a discussion-based course where learning is a collective enterprise. For that reason, 25% of your grade will be based upon attendance and class participation. Though my presumption is that everyone will be prepared to discuss the material, I understand that unexpected events can arise in life, and I will honor a one-time special request not to actively participate in class discussion so long as the request is made in advance of class. Participation includes both in-class discussion and participation on Canvas discussion forums.

### ***WRITING REQUIREMENTS***

The theory we are reading is challenging and the best way to internalize its mode of thinking is to actively write throughout the quarter. Your writing assignments are as follows:

#### *Significant Responses*

You will be required to sign up to post a significant response (500 words or more) for two specific class days on Canvas. Your significant response should do more than summarize the reading – you can use it to connect the reading to class discussions, to raise questions the reading brought up for you, and/or to connect the reading to a contemporary debate.

Significant responses must be posted by 10:00 a.m. on the day of class. 10% of your grade will be based on your two significant responses. On the weeks you are not signed up to provide a significant response, you are expected to participate in one or more of the threads of conversation happening on Canvas; you may choose the timing and length of these postings.

#### *Discussion Questions*

Beginning the second week of classes, you will be required to generate two discussion questions about the class readings by 10 a.m. the day of class. Half the class will be assigned to generate discussion questions for our Monday class, and half the class will be assigned to generate discussion questions for our Wednesday class. 10% of your grade will be based on your discussion questions. You do not need to generate discussion questions the two weeks you are posting significant responses.

### *Community Event*

You will be required to attend a community event touching on the themes of the class, and to write a short reflection on the event. 10% of your grade will be based on your reflection. A list of events is forthcoming, and you are free to propose an event you would like to attend if it is not on our list.

### *Final Assigned Paper*

45% of your grade will be based on a final paper. A specific prompt will be provided for the paper. More details will be provided during the second half of the quarter.

### **Required Text**

Critical Race Theory: Key Writings That Formed the Movement (Eds. Crenshaw, Gotanda, Peller & Thomas 1995).

### **Computer Use Policy**

You may use laptop computers in class **solely for the purpose of taking notes and accessing materials directly related** to the course. As a courtesy to your classmates and to me, please refrain from checking, composing, or transmitting e-mails or other electronic communications (or checking Facebook) during class time, whether on a laptop, smart phone, or tablet. Also, please do not access the internet during class time unless I ask you to (accessing the course website and materials during class is of course permitted, as is research to support an argument you are making).

**Access and Accommodations:** Your experience in this class is important to me. The UW is committed to ensuring that students with physical, mental, or sensory disabilities have equal access to its facilities and programs. To request academic accommodations due to a disability, please contact Disability Resources for Students (DRS), 448 Schmitz Hall, 206.543.8924 (V), 206.543.8925 (TTY) or [uwdrs@uw.edu](mailto:uwdrs@uw.edu) or [disability.uw.edu](http://disability.uw.edu). If you have already established accommodations with Disability Resources for Students (DRS), please communicate your approved accommodations to me at your earliest convenience so we can discuss your needs in this course. Work with Academic Services to obtain accommodations on the exam.

I am happy to meet with students to discuss ways of expanding access in the classroom that are not only mandated by law. It is never too late to request accommodations – our bodies and circumstances are continuously changing. Please feel free to make an appointment with me to discuss.

Washington state law requires that UW develop a policy for accommodation of student absences or significant hardship due to reasons of faith or conscience, or for organized religious activities. The UW's policy, including more information about how to request an accommodation, is available at [Religious Accommodations Policy](https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/) (<https://registrar.washington.edu/staffandfaculty/religious-accommodations-policy/>). Accommodations must be requested within the first two weeks of this course using the [Religious Accommodations Request form](https://registrar.washington.edu/students/religious-accommodations-request/) (<https://registrar.washington.edu/students/religious-accommodations-request/>).

## ***Origin Stories and Precursors***

### **Class 1 – September 23**

Introduction in: [Critical Race Theory: The Key Writings that Formed the Movement](#) (hereinafter “Key Writings”) (p. xiii)

[Detour Spotting for White Anti-Racists](#), by Joan Olsoon.

[Internalizing Oppressive Detours](#), by Thrive Social Justice Consulting. This is a version of “Detour-Spotting” adapted for people of color.

### **Class 2 – September 25**

Derick Bell, “[Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation](#)” in Key Writings (p. 5).

Andrea Smith, “[Heteropatriarchy and the Three Pillars of White Supremacy: Rethinking Women of Color Organizing](#)”

### **Class 3 – September 30**

Alan Freeman, “[Legitimizing Racial Discrimination through Antidiscrimination Law: A Critical Review](#)” in Key Writings (p. 29)

Derick Bell, “[Brown v. Board of Education and the Interest Convergence Dilemma](#)” in Key Writings (p. 20)

### **Class 4 – October 2**

Kimberle Crenshaw, “Race, Reform, and Retrenchment: Transformation and Legitimation in Anti-discrimination Law” in Key Writings (p. 103)

Mari Matsuda, “Looking to the Bottom: Critical Legal Studies and Reparations” in Key Writings (p. 63)

### **Class 5 – October 7**

#### ***Critiques of Colorblindness***

Neil Gotanda, A Critique of ‘Our Constitution is Colorblind,’ in Key Writings. Focus on “Color-blind tolerance and diversity” on pages 271-272.

Gary Peller, “Race-Consciousness” in Key Writings.

Dafina Lazarus Steward, “Language of Appeasement,” Inside Higher Ed, March 30, 2017, last accessed January 6, 2019. <https://www.insidehighered.com/views/2017/03/30/colleges-need-language-shift-not-one-you-think-essay>

## **Class 6 – October 9**

### ***Use of Narrative in CRT***

Margaret Montoya, *Mascaras y Trenzas*, pages 185-215 (1994).

Patricia Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*

## **Class 7 - October 14**

### ***Theorizing Whiteness***

Cheryl Harris, *Whiteness as Property*, in *Key Writings*.

Robin D'Angelo, "White Fragility," *International Journal of Critical Pedagogy*, Vol 3 (3) (2011) pp 54-70.

George Lipsitz, "The Possessive Investment in Whiteness: Racialized Social Democracy and the 'White' Problem in American Studies," *American Quarterly*, Vol. 47, No. 3 (Sep., 1995), pp. 369-387.

## **Class 8 – October 16**

### ***Intersections of Race and Gender***

Angela Harris, *Race and Essentialism in Feminist Legal Theory*. Please read pages 581 - 601, 608 - 616.

Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color" in *Key Writings*. Please read Introduction, Section I, Section IIA [pages 357 to top of page 367], as well as Section III - [bottom of page 374 - 377]).

Alisa Bierria, Mariame Kaba, *Yes, Trump is President. We Can't Compromise in the Fight Against Criminalization*, available at <http://inthesetimes.com/article/19821/yes-trump-is-president-and-we-cant-compromise-in-the-fight-against-criminal>

## **Class 9 - October 21**

### ***Beyond the Black-White Paradigm***

Robert Chang, [\*Towards an Asian-American Legal Scholarship: Critical Race Theory, Post-Structuralism and Narrative Space\*](#), 1 *Asian L.J.* 1 (1993) (available on Westlaw) (Please read sections corresponding to pages 1-10, 18-28, 46-63, 74-83).

Soya Jung, *The Model Minority Mutiny, Race Files*, available at <http://www.racefiles.com/2014/10/13/model-minority-mutiny/>

Juan Perea, [The Black/White Binary Paradigm of Race: The Normal Science of American Racial Thought](#), 85 Cal. L. Rev. 1213 (1997) (available on Westlaw) (Please read sections corresponding to pages 1213-16, 1219-26, 1239-52, 1257-58).

## **Class 10 – October 23**

### ***Settler Colonialism, Race, and Indigeneity***

Roxanne Dunbar-Ortiz, [Indigenous People's History of the United States](#), Introduction.

Kim TallBear, "DNA, Blood, and Racializing the Tribe," *Wicazo Sa Review*, 81-99.

Dian Million, "Policing the Rez: Keeping No Peace in Indian Country," *Social Justice*, 101-119.

## **Class 11 – October 28**

### ***Racializing National Security***

Amna Akbar, et al, *Islam on Trial*, available at <http://bostonreview.net/forum/amna-akbar-jeanne-theoharis-islam-trial>

Suad Abdul Khabeer, *Black Muslims are Subject to the War on Crime and the War on Terror*, available at <http://bostonreview.net/forum/islam-trial/suad-abdul-khabeer-suad-abdul-khabeer-responds-amna-akbar-and-jeanne-theoharis>

Leti Volpp, [The Citizen and the Terrorist](#) (2002) (78-83).

Nadine Naber and Junaid Rana, "The 21<sup>st</sup> Century Problem of Anti-Muslim Racism," *Jadaaliya*, July 25, 2019.

J.M. Berger, *The Trump Administration is Showing White Nationalists it Won't Fight them At All*, available at <https://www.washingtonpost.com/posteverything/wp/2017/02/03/the-trump-administration-is-showing-white-nationalists-it-wont-fight-them-at-all>

## **Class 12 - October 30**

### ***White Nationalism***

Eric K. Ward, "Skin in the Game: How Anti-Semitism Animates White Nationalism," *Political Research Associates* (June 29, 2017), <http://www.politicalresearch.org/2017/06/29/skin-in-the-game-how-antisemitism-animates-white-nationalism/#sthash.0X8LuJBZ.kD4zjyUt.dpbs>

Peter Montgomery, "Will Corporations, the Christian Right and the Tea Party Get to Rewrite the Constitution?," Political Research Associates (Oct. 16, 2017), <http://www.politicalresearch.org/2017/10/16/will-corporations-the-christian-right-and-the-tea-party-get-to-rewrite-the-constitution/#sthash.QWP3xqxL.BJXYm6M6.dpbs>

Leonard Zeskind, Blood and Politics: The History of the White Nationalist Movement from the Margins to the Mainstream, Preface, xi-xxiv.

### **Class 13 - November 4**

#### ***Critical Race Theory and Immigration Enforcement***

Erika Lee, "The Chinese Are Coming: How Can we Stop Them?" Chinese Exclusion and the Origins of American Gatekeeping," In *Asian American Studies Now*, 143-167.

Lisa Marie Cacho, Social Death, Introduction

Mijente, Free Our Future: An Immigration Policy Platform for Beyond the Trump Era

### **Class 14 – November 6**

#### ***CRT and the First Amendment***

Excerpts from *Words that Wound: Critical Race Theory, Assaultive Speech, and The First Amendment*. Available [here](#) , [here](#) , and [here](#).

ACLU, Hate Speech on Campus, available at <https://www.aclu.org/other/hate-speech-campus>.

*November 11 - NO CLASSES*

### **Class 15 - November 13**

#### ***The Question of Reparations***

Robin D. G. Kelley, "A Day of Reckoning: Dreams of Reparations," in Freedom Dreams: The Black Radical Imagination, 110-134.

Ta-Nehisi Coates, "The Case for Reparations," The Atlantic, June 2014. <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/>

"UN panel says the U.S. owes reparations to African-Americans," PBS, September 29, 2016, video. <https://www.pbs.org/newshour/nation/reparations-african-americans-un>

Optional:

"The Deed," Uncivil Podcast, podcast audio, October 11, 2017, <http://www.gimletmedia.com/uncivil/the-deed#episode-player>

Browse the Legacies of British Slave Ownership Project. <https://www.ucl.ac.uk/lbs/>.

US Apology for Illegal Overthrow of Hawaiian Kingdom, Public Law 103-150 (1993) <https://www.govinfo.gov/content/pkg/STATUTE-107/pdf/STATUTE-107-Pg1510.pdf>

## **Class 16 – November 18**

### ***The Carceral State***

Angela Davis, [Are Prisons Obsolete](#), pages 9 - 39, 105-115.

Alessandro De Giorgi, [Five Theses on Mass Incarceration](#).

Naomi Murakawa and Katherine Beckett, "The Penology of Racial Innocence," 695-722.

## **Class 17 – November 20**

### ***The Criminalization of Blackness***

Khalil Gibran Muhammad, "Where Did all the White Criminals Go?: Reconfiguring Race and Crime on the Road to Mass Incarceration," *Souls*, 72-90.

Elizabeth Hinton, "How the 'Central Park Five' Changed the History of American Law," *The Atlantic*, June 2, 2019.

Kali Nicole Gross, "African American Women, Mass Incarceration, and the Politics of Protection," *Journal of American History*, 25-33.

## **Class 18 – November 25**

### ***Police Violence and Resistance***

Devon Carbado, "Blue-on-Black Violence: A Provisional Model of Some of the Causes," *Georgetown Law Journal*, 1479-1529.

Keeanga-Yamahtta-Taylor, "From #BlackLivesMatter to Black Liberation" (TEDx Baltimore 2016), available at [From #BlackLivesMatter to Black Liberation | Keeanga-Yamahtta Taylor | TEDxBaltimore](#)

Take a look at the Movement for Black Lives Platform, available at <https://policy.m4bl.org/platform/>.

-No Class on November 27<sup>th</sup> (Attend Community Event Instead) -

## **Class 19 - December 2nd**

### ***Abolitionist Perspectives***

Ruth Wilson Gilmore and James Kilgore, "The Case for Abolition," *The Marshall Project*, June 19, 2019.

Dan Berger, Mariame Kaba, and David Stein, "What Abolitionists Do," *Jacobin*, August 24, 2017

Rachel Herzing, "Big Dreams and Bold Steps Toward a Police-Free Future," *Truthout*, September 16, 2015.

Red Deal Coalition, "Four Principles of the Red Deal," *Red Nation*, June 25, 2019.

## **Class 20 – December 4**

### ***Critical Race Theory and the Legal Profession***

Betty Hung, *Law and Organizing*. Please read pages 5 - 12.

Excerpts from *Organizing for Social Change*.

Angela Harris, *In Memory of Luke Cole*.

Open Letter to ACLU and Response.

Dean Spade and Rickke Mananzala, "Trans Resistance and the Non-Profit Industrial Complex." (Please read pages 61 - 63, Section Entitled "Methods of Change: Four Pillars of Social Justice Infrastructure.")

Dean Spade, "Now is the Time for Nobodies," available at <http://www.alternet.org/activism/now-time-nobodies-dean-spade-mutual-aid-and-resistance-trump-era>

Optional:

Alicia Garza, *Our Cynicism Will Not Build a Movement. Collaboration Will*, available at <https://mic.com/articles/166720/blm-co-founder-protesting-isnt-about-who-can-be-the-most-radical-its-about-winning#.BaBKUKcRs>

Bill Quigley, Ten Questions for Social Change Lawyers.

Bill Quigley, "Revolutionary Lawering: Addressing the Root Causes of Poverty and Wealth," 20 Wash. U. J. L. & Pol'y 101 (2006) (pdf on Canvas) (Please read pages 147 - 168).