

Critical Race Theory

Spring 2019

T TH 12:40-2:00p

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Course Description

This course explores the history and continued relevance of the Critical Race Theory (CRT) movement. Beginning in the 1980s, critical race theorists have consistently challenged orthodox understandings of civil rights law, constitutional interpretation, and racial categorizations. Derrick Bell, for instance, argues that American racism is permanent and that racial progress occurs only when it benefits white Americans.

CRT has been widely influential in legal academia but has been largely ignored by mainstream philosophy. Philosophers, however, have begun to think about the relationship between ideal political theory and non-ideal theory. Critical race theorists deal almost exclusively with non-ideal theory and thus provide a useful resource for contemporary philosophers.

In this course, we will read CRT literature with an eye to understating its relation to ideal political theory. Topics include: the nature of race and racism, structural determinism, race and crime, the construction of whiteness, and intersectionality.

Course Requirements and Grading

Student grades will be determined as follows:

70%: Three, four-page papers

30%: Class participation

The class participation grade will be based on student participation in in-class group discussions, short writing assignments, and other in-class activities to be determined.

Statement on Americans with Disabilities Procedures:

Howard University is committed to providing an educational environment that is accessible to all students. In accordance with this policy, students in need of accommodations due to a disability should contact the Office of the Dean for Special Services for verification and determination of reasonable accommodations as soon as possible after admission to the University or at the beginning of each semester. The Dean of the Office of Special Student Services can be reached at (202) 238-2420.

Plagiarism and cheating:

Plagiarism and other forms of academic dishonesty will not be tolerated. Evidence of dishonesty will be pursued, and confirmation will result in an "F" for the course. Students are responsible for knowing which actions constitute plagiarism. Please refer to the Howard University Student Handbook, p.114.

Texts:

Critical Race Theory: The Cutting Edge, 3rd Edition, Edited by Richard Delgado and Jean Stefancic, (Temple University Press, 2013).

All other documents can be found on Blackboard. All readings can be found in the textbook, if not otherwise indicated.

Course Schedule

Week 1: Foundations

“Racial Realism,” (Blackboard) “Brown v. Board of Education and the Interest Convergence Dilemma,” Derrick Bell (Blackboard).

Week 2: Foundations and critique

“After We’re Gone: Prudent Speculations on America in a Postracial Epoch,” Ch.1, “Derrick Bell’s Dilemma,” Brandon Hogan (Blackboard)

Week 3: Critique of Liberalism

“The New Racial Preferences,” Ch. 3, “A Critique of ‘Our Constitution is Color-Blind,’” Ch.5.

Week 4: Storytelling

“Property Rights in Whiteness: Their Legal Legacy, Their Economic Costs,” Ch. 8, “Alchemical Notes: Reconstructing Ideals from Deconstructed Rights,” Ch. 12.

Week 5: Storytelling

“Storytelling for Oppositionists and Others: A Pleas for Narrative,” Ch. 9, “ The Richmond Narratives,” Ch.10.

Week 6: Revisionist History

“Documents of Barbarism: The Contemporary Legacy of European Racism and Colonialism in the Narrative Traditions of Federal Indian Law,” Ch. 14, “Desegregation as a Cold War Imperative,” Ch.15.

First paper due

Week 7: CRT and Social Science

“Words That Wound: A Tort Action for Racial Insults, Epithets,

and Name-Calling,” Ch. 19, “ Law as Microaggression,” Ch. 20.

Week 8: CRT and Social Science

“The Social Construction of Race,” Ch. 24, “Cracking the Egg: Which Came First—Stigma or Affirmative Action?,” Ch. 25.

Week 9: Crime

“Race Ipsa Loquitur: Of Reasonable Racists, Intelligent Bayesians, and Involuntary Negrophobes,” Ch. 26, “The New Jim Crow,” Ch.27.

Week 10: Crime

“Racially Based Jury Nullification: Black Power in the Criminal Justice System” Ch. 28. “Race and Self-Defense: Toward a Normative Conception of Reasonableness,” Ch. 29.

Week 11: Structural Determinism

“Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation,” Ch. 30, “The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism,” Ch. 31.

Week 12: Determinism and Intersectionality

“Images of the Outsider in American Law and Culture: Can Free Expression Remedy Systemic Social Ills?,” Ch. 32, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” Crenshaw (Blackboard).

Second paper due

Week 13: Intersectionality

“Race and Essentialism in Feminist Legal Theory,” Ch. 34, “From Practice to Theory, or What Is a White Woman Anyway?” Ch. 36.

Week 14: Beyond the Black-White Binary

“The Black-White Binary Paradigm of Race,” Ch. 45, “In Defense of the Black-White Binary: Reclaiming a Tradition of Civil Rights Scholarship,” Ch. 50.

Week 15: Misc.

“Much Respect: Toward a Hip-Hop Theory of Punishment,” Ch. 53, “Racial Critiques of Legal Academia,” Ch. 70. “White by Law,” Ch. 78.

Final paper due at the end of the university exam period.