

Race and Law

Seattle University School of Law

Spring 2019

Wednesdays, 10-11:50am

Prof. Dean Spade

Course Description

This course examines how racial categories are constructed in and enforced by law, even and particularly in and through legal systems that purport to be race-neutral or “colorblind.” The geographer and anti-prison activist Ruth Wilson Gilmore defines racism as “the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death.”¹ The course will look at how premature death is produced for particular populations through processes of racialization, both within the US and through US actions abroad. We will use interdisciplinary materials to ask how various scholars and social movements have understood law as both a site of the production and enforcement of systems of racialization, and as a potential tool of resistance to racism.

Course Materials

Roxanne Dunbar-Ortiz, *An Indigenous People's History of the United States* (Boston: Beacon Press, 2015).

Gord Hill, *500 Years of Resistance* (Vancouver, BC: Arsenal Pulp Press, 2010).

<https://www.akpress.org/tk-4570.html>

Gord Hill, *The Antifa Comic Book: 100 Years of Fascism and Antifa Movements* (Vancouver, BC: Arsenal Pulp Press,

2018). <https://www.akpress.org/antifacomicbook.html>

Kelly Lytle Hernandez, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771-1965* (Chapel Hill, NC: University of North Carolina Press, 2017).

Mark Bray, Antifa: *The Anti-Fascist Handbook* (New York: Melville House, 2017).

<https://www.mhpbooks.com/books/antifa/>

Schedule

Week 1, January 16

Roxanne Dunbar-Ortiz, *Indigenous People's History of the United States*, Chapters 1-5, 9-11, and Conclusion.

Gord Hill, *500 Years of Resistance*.

“*Indigenous Nation Blocks TransCanada Pipeline with New Checkpoint*,” Real News, December 23, 2018, last accessed January 6, 2019.

<https://warriorpublications.wordpress.com/2018/12/24/video-unistoten-resists-pipeline-project/#more-18690>

¹ Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Oakland, CA: University of California Press, 2007)

Kate Abbey-Lambertz, "Seattle Cuts Ties With Wells Fargo To Protest Dakota Access Pipeline Funding," Huffington Post, February 8, 2017, last accessed January 6, 2019.

https://www.huffingtonpost.com/entry/seattle-wells-fargo-dapl_us_589b56b2e4b0c1284f29da4b

Jennifer Sullivan, "Protesters Display Mock Oil Pipeline in Seattle Bank," Komo News, December 14, 2018, last accessed January 6, 2019, <https://komonews.com/news/local/protesters-display-mock-oil-pipeline-in-seattle-bank>

Week 2, January 23

J. Kēhaulani Kauanui and Patrick Wolfe, "Settler Colonialism Then and Now," *Politica & Societa* (2012): 235-258.

Week 3, January 30

Roberto Sirvent and Danny Haiphong, American Exceptionalism and American Innocence: The Fake News of U.S. Empire, (forthcoming), excerpt.

Week 4, February 6

Kelly Lytle Hernández, City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965.

Everyone:

Introduction

Group A:

Chapter 1

Group B:

Chapter 2

Group C:

Chapter 3

Group D:

Chapter 4

Group E:

Chapter 5

Group F:

Chapter 6

Your group must prepare a ten-minute presentation on your chapter to present in class. What are the most important points in the chapter that you would want your classmates to know? Think carefully together about how you would teach this material to people who have not read it, but have some context for it from reading other parts of the book and other materials in our class so far.

Week 5, February 13

Keeanga-Yamahtta Taylor, #BlackLivesMatter to Black Liberation (Chicago: Haymarket Books, 2016), 51-106.

G.A. Res. 260 (III) A, Convention on the Prevention and Punishment of the Crime of Genocide (Dec. 9, 1948).

<https://www.ohchr.org/en/professionalinterest/pages/crimeofgenocide.aspx>
Civil Rights Congress (U.S.). We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government against the Negro People. New York, 1951, excerpt.

Week 6, February 20

Gary Peller, "Race-Consciousness," in Critical Race Theory: Key Writings That Formed the Movement, eds. Kimberlé Crenshaw, Neil T. Gotanda, Gary Peller, and Kendall Thomas (New York: The New Press, 1995).

Derrick Bell, "Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation," in Critical Race Theory: Key Writings That Formed the Movement, eds. Kimberlé Crenshaw, Neil T. Gotanda, Gary Peller, and Kendall Thomas (New York: The New Press, 1995).

Week 7, February 27

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>

Jodi Melamed, "Diversity," in Keywords for American Cultural Studies, eds. Bruce Burgett and Glenn Hendler. (New York: New York University Press, 2014).

Nathan J. Robinson, "The Difference Between Liberalism and Leftism," Current Affairs, June 2017, last accessed January 6, 2019.

<https://www.currentaffairs.org/2017/06/the-difference-between-liberalism-and-leftism>

Week 8, March 6

Guest Speaker, Soya Jung

Soya Jung, "Twenty-Five Years after Sa-I-Gu: Multiracial Politics in Times of Crisis," Race Files, January 2, 2018, last accessed January 6, 2019.

<http://www.racefiles.com/2018/01/03/twenty-five-years-after-sa-i-gu-multiracial-politics-in-times-of-crisis/>

A Different Asian American Timeline, <https://aatimeline.com/> (Everyone should browse all of it. If your last name starts with A-H, 1898-1939 is required reading. If your last names starts with I-N, 1939-1980 is required. If your last name starts with O-Z, 1980-present is required.

Week 9, March 13

Robin D'Angelo, "White Fragility," International Journal of Critical Pedagogy 3 no. 3 (2011): 54-70.

Newsbroke. White Fragility Workplace Video, YouTube Video, 5:15, August 29, 2016, <https://www.youtube.com/watch?v=ZPDpcYEdiOg>.

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

Week 10, March 27

Judy Pasternak, "A Peril that Dwelt Among the Navajos," Los Angeles Times, November 19, 2006, last accessed January 6, 2019.

<http://articles.latimes.com/2006/nov/19/nation/na-navajo19>

Saul Elbien, "The Youth Group That Launched a Movement at Standing Rock," New York Times, January 31, 2017, last accessed January 6, 2019.

<https://www.nytimes.com/2017/01/31/magazine/the-youth-group-that-launched-a-movement-at-standing-rock.html>

Glen Coulthard, "For Our Nations to Live, Capitalism Must Die," Unsettling America, November 5, 2013, last accessed January 6, 2019.

<https://unsettlingamerica.wordpress.com/2013/11/05/for-our-nations-to-live-capitalism-must-die/>

Glen Coulthard, The Colonialism of the Present, 2015, Jacobin Magazine, January 13, 2015, last accessed January 6, 2019.

<https://www.jacobinmag.com/2015/01/indigenous-left-glen-coulthard-interview/>

Naomi Klein, "Blanking the Beach: The Second Tsunami," in The Shock Doctrine: The Rise of Disaster Capitalism, (New York: Picador, 2008).

<https://docs.google.com/document/d/1EwYrAtZbi84OeoSoGR9MERAK2eFP7UCVTWTjriqfab8/edit?usp=sharing>

Week 11, April 3

Todd Miller, Storming the Wall: Climate Change, Migration and Homeland Security, (San Francisco: City Lights Books, 2017), Chapters 2 and 3 (pp. 37-106).

Week 12, April 10

Everyone:

Joe Sacco, Palestine (Seattle: Fantagraphics Books, 2014), excerpt.

Bina Ahmad, Ben White, Phyllis Bennis, "Shrinking Space and the BDS Movement," November 13, 2018, last accessed January 8, 2019.

https://www.tni.org/en/publication/shrinking-space-and-the-bds-movement?fbclid=IwAR0yTrgl3gZpgF3Gad5q0Xz58Cc_T02BDACG-sgHzQx56DGkrG5hwrqAgrA

Glen Greenwald, "A Texas Elementary School Speech Pathologist Refused to Sign a Pro-Israel Oath, Now Mandatory in Many States — so She Lost Her Job," The Intercept, December 17, 2018, last accessed January 8, 2019.

<https://theintercept.com/2018/12/17/israel-texas-anti-bds-law/>

Group A:

Ahlam Mutaseb and Andy Trimlett, 1948: Creation and Catastrophe (2017)

<https://seattleu.kanopy.com/video/1948-creation-and-catastrophe>

Group B:

Dan Cohen and Max Blumenthal, Killing Gaza (2018).

<https://vimeo.com/ondemand/killinggaza>

Group C:

The Lobby, episodes 1-4, produced by Al Jazeera, aired on January 10, 2017, on Al Jazeera English. <https://www.aljazeera.com/investigations/thelobby/>

Your group will prepare a ten-minute presentation about the movie you watched that your classmates were not assigned. You may show clips as part of your presentation, but please do not *only* show clips. If you prefer not to show clips, you do not have to.

Week 13, April 17

Gord Hill, The Antifa Comic Book: 100 Years of Fascism and Antifa Movements.

Mark Bray, Antifa: The Anti-Fascist Handbook, p. 104-206.

Week 14, April 24

Robin D. G. Kelley, "A Day of Reckoning: Dreams of Reparations," in Freedom Dreams: The Black Radical Imagination (Boston: Beacon Press, 2002), 110-134.

Ta-Nehisi Coates, "The Case for Reparations," The Atlantic, June 2014, last accessed January 8, 2019. <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, last accessed January 8, 2019. <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>

Week 15, May 1

Guest Speaker, Pooja Gehi