

POVERTY LAW
Seattle University School of Law
Spring 2012, Mondays and Wednesdays 2:30-3:45pm

SYLLABUS

Description

This course aims to create a critical dialogue about the role of law in structuring wealth inequality and its potential role in remedying such inequality. The interdisciplinary course materials that we will be using throughout the semester have been selected to assist students in engaging in critical analysis about the roles of settler colonialism, capitalism, white supremacy, patriarchy and ableism in structuring law, as well as law's role in structuring those systemic conditions. The course will explore both specific questions and histories concerning public benefits, disaster relief, housing, imprisonment, immigration and other legal issues facing low-income populations as well as broad questions about how we might conceptualize governance and the role of law reform in social movements aimed at redistributing wealth and life chances.

Required Readings

The required books for this class are The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex (Ed. Incite!), Regulating the Poor by Piven and Cloward, The Color of Violence (Ed. Incite!), and Are Prisons Obsolete? by Angela Davis, Understanding the Crash, by Laursen, Wehrle, Henwood, and Tobocman, Ideas for Action: Relevant Theory for Radical Change, by Cynthia Kaufman. All other readings will be posted to TWEN.

Optional Books: If printing out the readings from TWEN is unappealing to you, you can also purchase some of the books that other readings are in, particularly What Lies Beneath: Katrina, Race, and the State of the Nation (Ed. Joy James and the South End Press Collective), Critical Race Theory: The Key Writings that Formed the Movement, (eds. Crenshaw et al.), Welfare Racism: Playing the Race Card Against America's Poor by Kenneth J. Neubeck and Noel A. Cazenave, The 7 Components of Transformative Organizing Theory by Eric Mann, Outsiders Within (ed. Trenka, et al), The Shock Doctrine by Naomi Klein, Exile and Pride by Eli Clare.

Reading Questions

When engaging the readings, whether cases, articles, policies or personal narratives, in addition to your other inquiries it will assist you in preparing for class discussion if you consider the following questions:

- How does the writer understand power, social change and the economy?
- How does the writer define or explain poverty?
- What does the writer think should be done about the concerns s/he is identifying, both immediately and more broadly? What should the world look like according to this writer?

- Who is the writer speaking to? Who is s/he disagreeing with or responding to?

Recommended films (many available in the SU library or on Google Video):

Unnatural Causes: Is Inequality Making Us Sick?

Life and Debt

¡Palante, Siempre Palante!

Zapatista!

Fight in the Fields

Act of War: The Overthrow of the Hawaiian Nation

Bread and Roses

Maxed Out

The End of Poverty?

I.O.U.S.A

Capitalism: A Love Story

The Best Government Money Can Buy

Trouble the Water

When the Levees Broke

Land of Opportunity

Visions of Abolition

Schedule

Week 1

(January 9, 11)

Understanding the Crash, by Tobocman et. al.

In class screening of Inside Job

Week 2

(January 16, 18)

From What Lies Beneath: Katrina, Race, and the State of the Nation please read Kalamu ya Salaam, "Introduction: Below the Water Line," Charmaine Neville, "How We Survived the Flood," Malik Rahim, "This is Criminal," Jared Sexton, "The Obscurity of Black Suffering."

Cheryl Harris, "Whiteness as Property," in Critical Race Studies: The Key Writings that Formed the Movement, (eds. Crenshaw et al.) (1996) (pdf on TWEN).

Andrea Smith, "Heteropatriarchy and the Three Pillars of White Supremacy: Rethinking Women of Color Organizing," in Color of Violence (ed. Incite!) (2006).

Joan Olsson, "Detour-Spotting for White Anti-Racists." (pdf on TWEN)

Week 3

(January 23, 25)

Alan Freeman, "Legitimizing Racial Discrimination Through Anti-Discrimination Law: A Critical Review of Supreme Court Doctrine," in Critical Race Studies: The Key Writings that Formed the Movement, (eds. Crenshaw et al.) (1996) (pdf on TWEN).

The Revolution Will Not Be Funded (ed. INCITE!), Chapter 10: Social Service or Social Change?, by Paul Kivel
Cynthia Kaufman, Ideas for Action: Relevant Theory for Radical Change, p. 10-120. (pdf on TWEN).

Optional:

San Antonio Independent School District v. Rodriguez, 411 U.S. 1 (1973) (pdf on TWEN)

James v. Valtierra, 402 U.S. 137 (1971) (pdf on TWEN)

Week 4

(January 30, Feb 1)

Frances Fox Piven and Richard A. Cloward, Regulating the Poor: The Functions of Public Welfare, Chapters 1, 8, 10 (pdfs on TWEN).

Week 5

(February 6, 8)

Kenneth J. Neubeck and Noel A. Cazenave, Welfare Racism: Playing the Race Card Against America's Poor, Chapter 2, "Conceptualizing Welfare Racism" (pdf on TWEN).

Wyman v. James, 400 U.S. 309 (1971) (use pdf on TWEN)

Dandridge v. Williams, 397 U. S. 471 (1970) (use pdf on TWEN)

Week 6

(February 13, 15)

Goldberg v. Kelly, 397 U.S. 254 (1970) (use pdf on TWEN)

Shapiro v. Thompson, 394 U.S. 618 (1969) (use pdf on TWEN)

Regulating the Poor, Chapter 11, 12. (pdfs on TWEN)

Steven Greenhouse, Many Participants in Workfare Take the Place of City Workers, N.Y. TIMES, Apr. 13, 1998, at A1. (linked on TWEN)

Optional:

Blum, Perina and Defilipis, "Why Welfare is a Queer Issue," 26 N.Y.U. Rev. L. & Soc. Change 201 (2000).

Spade, Dean, "Compliance is Gendered," in Transgender Rights (ed. Currah, Minter, Juang) (pdf on TWEN).

United States v. City of New York, 359 F.3d 83 (2d Cir. 2004).

Week 7 (Group 1 Exercise)

(February 20, 22)

Dorothy E. Roberts, "Racism and Patriarchy in the Meaning of Motherhood," 1 Am. U. J. Gender & L. 25 (1993)

Dorothy E. Roberts, "Feminism, Race, and Adoption Policy," in Color of Violence (ed. Incite!) (2006).

Ellen M. Barry, "Parents in Prison, Children in Crisis" in Outsiders Within (ed. Trenka, et al) (pdf on TWEN).

Loretta J. Ross, “The Color of Choice: White Supremacy and Reproductive Justice” in Color of Violence (ed. Incite!) (2006).

Heidi Kiiwetinepinesiik Stark & Kekek Jason Todd Stark, “Flying the Coop: ICWA and the Welfare of Indian Children” in Outsiders Within (ed. Trenka, et al) (pdf on TWEN).

Week 8

(February 27, 29)

Naomi Clark, Haiti Timeline, Haiti Discussion. (pdfs on TWEN)

Watch this: http://www.democracynow.org/2010/8/17/france_urged_to_pay_40_billion

Naomi Klein, The Shock Doctrine, Part I of the posted readings from this book (Chapters 2, 14, 15).

Week 9

(March 5, 7)

Naomi Klein, The Shock Doctrine, Part II of the posted readings from this book, Chapters 16, 17, 29 and the Conclusion).

Week 10 (Group 2 Exercise)

(March 19, 21)

Renee Saucedo, “INS raids and How Immigrant Women are Fighting Back,” in Color of Violence (ed. Incite!) (2006).

Deepa Fernandes, “The Immigration Industrial Complex” in Targeted: Homeland Security and the Business of Immigration, (Seven Story Press) (2007).

David Bacon, “Displacement and Migration” in Illegal People: How Globalization Creates Migration and Criminalizes Immigrants, (Beacon Press) (2008)

Julianne Ong Hing, *Home in Name Only*, ColorLines magazine, (October 2009) available at <http://www.colorlines.com/article.php?ID=624>.

Optional: Jennifer M. Chacón, “Unsecured Borders: Immigration Restrictions, Crime Control, and National Security” available on Westlaw at 39 Conn. L. Rev. 1827. (Especially sections II(A)(1), (2), (3), and (4) – The Construction of the “Illegal” Alien, The “Illegal Alien” as a Criminal Threat, The Ever Widening Category of “Criminal Aliens” and “The Modern Myth of Migrant Criminality”, and Section IV Removal Policies Also Fail as Crime and Immigration Control”)

Week 11

(March 26, 28)

Julia Sudbury, “Rethinking Antiviolence Strategies: Lessons from the Black Women’s Movement in Britain,” in Color of Violence (ed. Incite!).

Andrea J. Ritchie, “Law Enforcement Violence Against Women of Color,” in Color of Violence (ed. Incite!)

Ana Clarissa Rojas Durazo, “Medical Violence Against People of Color and the Medicalization of Domestic Violence,” in Color of Violence (ed. Incite!).

Sista II Sista, “Sistas Makin’ Moves: Collective Leadership for Personal Transformation and Social Justice,” in Color of Violence (ed. Incite!).

Critical Resistance and INCITE!, “Gender Violence and the Prison Industrial Complex”, in Color of Violence (ed. Incite!).

Patricia Allard, “Crime, Punishment and Economic Violence” in Color of Violence (ed. Incite!).

Optional:

Loïc Wacquant, Punishing the Poor: The Neoliberal Government of Social Insecurity, excerpt on TWEN.

Week 12

(April 2, 4) (Group 3 Exercise)

Angela Davis, Are Prisons Obsolete? Chapters 1, 2, 3.

Ruth Wilson Gilmore, “Globalisation and US Prison Growth: From Military Keynesianism to post-Keynesian Militarism.” *Race & Class* 1999: 40; 171 (pdf on TWEN)

GenerationFIVE, “Toward Transformative Justice” (pdf on TWEN).

“Their Eyes Were Watching Cops: An interview with Joaquin Cienfuegos,” in *Upping the Anti: A Journal of Theory and Action*, Number 13.

Week 13

(April 9, 11) (Group 4 Exercise)

Eli Clare, Exile and Pride, excerpt (pdf on TWEN)

Disability in the New World Order, Norma Erelles, Chapter 2 of Color of Violence

From Mia Mingus’ Blog, Leaving Evidence: “Interdependency,”

<http://leavingevidence.wordpress.com/2010/01/22/interdependency-exerpts-from-several-talks/>

Bradley Lewis, “A Mad Fight: Psychiatry and Disability Activism,” in The Disability Studies Reader. (pdf on TWEN)

Gabriella Coleman, “The Politics of Rationality: Psychiatric Survivors’ Challenge to Psychiatry” (pdf on TWEN).

Also look at the website of the Icarus Project, theicarusproject.net.

Joseph P. Shapiro, No Pity: People with Disabilities Forging a New Civil Rights Movement, Chapter 2 “From Charity to Independent Living” (pdf on TWEN)

Optional:

Samuel R. Bagenstos, The Future of Disability Law, 114 YALE L.J. 1 (2004)

Cleveland v. Policy Management Sys. Corp., 526 U.S. 795 (1999)

Brevard Achievement Center, 342 NLRB No. 101, 175 L.R.R.M. (BNA) 1329 (2004)

Week 14

(April 16, 18) (Group 5 Exercise)

The Revolution Will Not Be Funded (ed. INCITE!):

Chapter 1: The Political Logic of the Non-Profit Industrial Complex, by Dylan Rodríguez

Chapter 2: In The Shadow of the Shadow State, by Ruth Wilson Gilmore

Chapter 4: Democratizing American Philanthropy, by Christine E. Ahn

Chapter 10: Social Service or Social Change?, by Paul Kivel (Refresh yourself on

it)

Chapter 15: Non-Profits and the Autonomous Grassroots, by Eric Tang

Week 15

(April 23, 25)

The Revolution Will Not Be Funded (ed. INCITE!):

Chapter 11: Pursuing a Radical Anti-Violence Agenda Inside/Outside a Non-Profit Structure, by Alisa Bierria, CARA

Chapter 14: Are the Cops in Our Heads and Hearts? by Paula X. Rojas

Dean Spade and Rickke Mananzala, “Trans Resistance and the Non-Profit Industrial Complex” (pdf on TWEN).

Optional:

“The 7 Components of Transformative Organizing Theory,” Eric Mann