

POVERTY LAW
CUNY Law School
Spring 2010, Tuesdays and Thursdays 4:00-5:30pm

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Office Hours: Thursdays 2-3:30 and by appointment

SYLLABUS (subject to change)

Description

This course aims to create a critical dialogue about the role of law in structuring wealth inequality and 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 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.

Requirements

The readings for this semester will be available on TWEN and in the required books. Students are expected to read all the assigned material for the week in advance of Tuesday class session, attend every class, and participate actively in discussion. 40% of your grade will be based upon class participation which includes the grade for your group presentation, participation in class discussion and participation on TWEN. You will be evaluated on your mastery of the materials, your use of critical thinking skills, and your active participation. You should think of participating in the conversations on TWEN as part of the writing requirement of this class, and you will sign up to post significant responses (400 words or more) for two specific weeks of the semester, although you are expected to participate with shorter responses weekly. Attendance is mandatory in this class. More than two unexcused absences may result in a grade reduction. The other 60% of your grade will come from two 4-5 page papers or one 10-page paper (your choice) in which you will utilize the course readings to analyze a set of additional materials, demonstrate analytical tools gained from them, and tie together themes in the course in relation to the new material. I will provide a set of topics to choose from for these papers, although you may design your own if you prefer and get it approved by me via email or in office hours at least two weeks before the deadline. These papers may not exceed 5 pages, double spaced, normal margins, 12 point font. Please number your pages. Papers over the page limit will not be accepted. Late papers will not be accepted. Your papers should use formal bluebook citation for any texts referenced.

Relevant dates for assignments:

Group presentation due day of class for which you are assigned to present.
Two Significant Responses must be posted by 11am Monday of the week for which the readings were assigned.

First short paper Due March 9, 2010 in class.

Second short (or single 10 page paper) paper Due April 29, 2010 in class.

Required Readings

The required books for this class are The Revolution Will Not Be Funded: Beyond the Non-Profit Industrial Complex (Ed. Incite!), What Lies Beneath: Katrina, Race, and the State of the Nation by The South End Press Collective and Joy James, and Are Prisons Obsolete? by Angela Davis.

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

Schedule

Week 1 January 14

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."

The Revolution Will Not Be Funded (ed. INCITE!), Chapter 10: Social Service or Social Change?, by Paul Kivel

Week 2 January 19, 21

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

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).

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

Week 3 January 26, 28

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)
Angela Harris, “From Stonewall to the suburbs?: Toward a political economy of sexuality,” 14 William and Mary Bill of Rights Journal, 1539 (2006).
To Render Ourselves Visible by Alisa Bierra, Mayaba Liebenthal and Incite! in What Lies Beneath: Katrina, Race, and the State of the Nation.

Week 4, February 2, 4

Michel Foucault, “Governmentality” (pdf on TWEN)
Michel Foucault, “Society Must Be Defended” (pdf on TWEN)
Mariana Valverde “Geneologies of European States: Foucauldian Reflections,” 36 Economy and Society 159 (2007) (pdf on TWEN)

Week 5 February 9, 11

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

Week 6 Feb 16, 18 (Group 1 exercise)

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 7 Feb 23, 25

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

Week 8 March 2, 4 (Group 2 exercise)

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 9 March 9, 11

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

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

Reynolds v. Giuliani, 35 F. Supp. 2d 331 (S.D.N.Y. 1999).

Alex Vitale, City of Disorder, excerpt (pdf on TWEN).

Optional reading: Gwendolyn Mink, Welfare's End, 1-32, 3-140 (pdf on TWEN).

Week 10 March 23, 25

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

Patricia Allard, "Crime, Punishment and Economic Violence" in Color of Violence (ed. Incite!), (pdf on TWEN)

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

Week 11 April 1 (Group 3 exercise) (No class March 30)

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

Jennifer M. Chacón, "Unsecured Borders: Immigration Restrictions, Crime Control, and National Security" available on Westlaw at 39 Conn. L. Rev. 1827. (Please read 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" in its entirety.)

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>.

Week 12 April 6, 8

Materials regarding poverty lawyering and challenges to Legal Aid funding, excerpted from Nice and Trubeck textbook. (PDF on TWEN)

Week 13 April 13, 15 (Group 4 exercise)

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

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

Disability in the New World Order, Norma Erevelles, Chapter 2 of Color of Violence (pdf on TWEN)

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)

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

Week 14 April 20, 22

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

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

Week 15, April 27, 29 (Group 5 exercise)

Rinku Sen, Stir It Up, excerpts (pdf on TWEN).

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