ES 452/552
Critical Race Theory
Fall 2013

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Office Hours: Mondays and Tuesdays 9-10 or by appt.

COURSE DESCRIPTION:
This course will introduce students to the history and evolution of the field of Critical Race Theory. Critical Race Theory demonstrates the complexities of institutional racism and interrogates traditional ideas about the relationship between race, power and the (protection of the) law.

COURSE OBJECTIVES:
1. Students will know the basic principles of critical race theory, its influences and its arguments. 2. Students will gain a more concrete understanding of the "social construction of race" through learning how the legal system is implicated in creating and maintaining racial hierarchies. 3. Students will gain critical thinking skills in relation to popular understandings of the "color-blind" nature of law, and in particular, the Constitution. 4. Students will understand the importance of intersectionality as it relates to the creation of knowledge.

COURSE REQUIREMENTS:

Reflection paper: Students have three opportunities to submit a reflection paper: October 21, November 11, and December 9. The purpose of the reflection paper is to create a space to apply what you have learned in this course to your own lived experiences, and how this knowledge confirms or contradicts your values, perspectives and/or experiences. While reflection papers privileges the articulation of your experience, they also need to significantly engage course material. These papers should be 3-5 pages in length.

Class participation: Not to be confused with class attendance. Each student is responsible for composing discussion questions that will be posted weekly on Blackboard by noon on Wednesdays. Questions could explore: underlying value implications of the readings, analogies to other issues discussed in class, the validity of the author’s position. Students are also expected to ask informed questions about each week’s readings.

ES 552:
Graduate students will be expected to write a 8-10 page paper on an issue of their choice regarding race and the law. Each student will present findings their final week of class.

Academic dishonesty will not be tolerated. Plagiarism will result in a failing grade and disciplinary action.
ES 452:
Reflection Papers  80%
Class participation  20%

ES 552:
Reflection Papers  60%
Paper/Project  25%
Discussion Facilitation  10%
Class Participation  5%

REQUIRED READINGS
LexisNexis readings available online on the university library’s website. On the library’s homepage under “Find Resources” click “Articles, Databases, Indexes” then “Find Database”. At the Lexus-Nexus Academic Page, click “Legal.” Tip: Skip “Search Terms” and enter author, title, etc. for each citation) Richard Delgado’s Critical Race Theory: The Cutting Edge [CRT] is available at on-line book retailers.

COURSE SCHEDULE

Week One—Introduction to Critical Race Theory: History and Content
Patricia J. Williams, “Alchemical Notes: Reconstructing Ideals from Deconstructed Rights” (CRT 84-94)

Week Two—Interrogating Whiteness: (R)evaluating Critical White Studies
Derrick Bell, "Property Rights in Whiteness—Their Legal Legacy, Their Economic Costs" (CRT)
Ian F. Haney Lopez, “White by Law” (CRT)
Stephanie M. Wildman and Adrienne D. Davis, "Language and Silence: Making Systems of Privilege Visible" (CRT 573-579)

Week Three—Black Exceptionalism: Are All (Non-White) Men Created Equal?

October 21: Reflection paper due on “Critical Race Theory,” “Interrogating Whiteness,” and/or “Black Exceptionalism”

Week Four—Beyond Black and White: Asian-Americans and Lat(ino)Crit(ical)s
Week Five—A Question of Sovereignty?: American Indians and Racial
(In)Justice

Gerald Torres and Kathryn Milun, "Translating Yonnondio by
Precedent and Evidence: The Mashpee Indian Case" (CRT 48-55)

Robert A. Williams, Jr., "Documents of Barbarism: The
Contemporary Legacy of European Racism and Colonialism in the
Narrative Traditions of Federal Indian Law" (CRT 98-109)

Rebecca Tsosie, "Reclaiming Native Stories: An Essay on Cultural
Appropriation and Cultural Rights," Arizona State Law Journal
2002. (Lex-Nex)

Week Six—Justice or Just Us?: Blacks and the Criminal Justice System

Joan W. Howarth, "Representing Black Male Innocence," The Journal
of Gender, Race & Justice 1997. (Lex-Nex)

Erik Luna, "Race, Crime and Institutional Design," Law &

Paul Butler, "Racially Based Jury Nullification: Black Power in

November 11: Reflection paper due on “Beyond Black and White,” “A
Question of Sovereignty,” and/or “Justice or Just Us”

Week Seven—Essentialism vs. Intersectionality: Race, Class and Gender


Trina Grillo, “Anti-Essentialism and Intersectionality: Tools to
Dismantle the Master's House” (course reserves)

Angela Harris, "Race and Essentialism in Feminist Legal Theory"
(CRT 253-266)

Week Eight—Critical Race Feminism

Trina Grillo and Stephanie M. Wildman, “Obscuring the Importance
of Race: The Implication of Making Comparisons between Racism and
Sexism (or Other –isms)” (CRT 564-572)

Celine Parrenas Shimizu, “Sex for Sale: Queens of Anal, Double,
Triple, and the Gang Bang: Producing Asian/American Feminism in
Pornography Yale Journal of Law and Feminism 2006 (Lex-Nex)

Vednita Carter and Evelina Giobbe, “Duet: Prostitution, Racism
**Week Nine—QueerCrit: The Legality of Sexuality**


**Week Ten—Graduate Student Presentations**

*Monday, December 9 at noon: Reflection paper due on Essentialism vs. Intersectionality, Critical Race Feminism and/or Queer Crit*