

## **Critical Race Theory Seminar**

[IRTS 7077 001 • 3 credits]

**Spring Semester 2013**

Wed. 1:30-4:15 p.m.

Room 100A

**Professor Emily Houh**

Email: [emily.houh@gmail.com](mailto:emily.houh@gmail.com)

Tel: 513-556-0108

Office hours: TBD and/or by appointment

### **I. SEMINAR DESCRIPTION**

About 25 years ago, a new, interdisciplinary scholarly movement in the legal academy, known as “Critical Race Theory” (CRT), burst onto the scene. Early advocates of CRT—such as the late Derrick Bell, Mari Matsuda, Richard Delgado, Kimberlé Crenshaw, and Patricia Williams—challenged both the substance and style of traditional legal scholarship. Substantively, “race crits,” as they came to be known, rejected not only the “colorblind” approach to legal issues that renders invisible the particular and often divergent experiences of people of color vis-à-vis the law, but also liberal approaches emphasizing formal equality and individual civil rights. They even rejected, to a degree, the radical critiques of critical legal theorists (“crits”) and the crits’ “trashing” of civil rights. Stylistically, critical race theorists often employed new (and interdisciplinary) methodologies for legal scholarship, including storytelling and postmodern analysis. CRT advocates effectively used these methods to illuminate and define, in pathbreaking ways, the centrality of race as a foundational feature of U.S. law and differing racial and ethnic group experiences.

Of course, since its emergence there have been a number of developments in CRT, as is the case with every specialized field of study. Current, “second generation” CRT scholars have focused on the “anti-essentialist” challenge presented by a diverse community of race crits along racial, ethnic, gender, sexuality, and class lines, among others. The contemporary substantive focus is cross-racial, comparative, and proactive. It analyzes the converging and diverging experiences of indigenous peoples, Latinas/Latinos, African Americans, and Asian Pacific Americans, as well as different strategies for social justice. Through reading and discussion of first and second generation CRT literature, you will likewise “deconstruct” racial categories to understand the diversity and difference within each group, paying particular attention to the experiences of ethnic sub-groups, women of color, and gay, lesbian, bisexual, and transgendered people. The contemporary CRT discourse attempts to prioritize how the CRT movement can preserve difference while forwarding political cohesion, unity, and action. This goal, however, is particularly difficult in light of the conservative response to CRT, which has manifested itself in federal judges, law professors, and journalists mounting high-profile attacks on CRT in publications ranging from *The Atlantic Monthly* to the *Wall Street Journal*.

In the first part of this seminar, we will study the early race crit writings, second-generation CRT scholarship, the critiques of CRT, and future-oriented issues. We will then turn to intensive work on your final paper topics and drafts, and will close out the semester with paper presentations by authors and commentators.

## II. FORMAT

In the first few weeks of the semester we will discuss selected topics from the assigned Critical Race Theory text (see *infra*, Part IV, for required text). Instruction will prioritize student-initiated discussion using “Lead Discussants” (discussed *infra*, Part III.A) and organization akin to a graduate seminar. You are expected to be a timely, prepared, active, and thoughtful seminar participant. A successful seminar depends upon consistent attendance by all members and a high quality level of reading, discussion, and analysis.

We are having substantive meetings on the course topic for six (6) of the 14 class sessions during the semester. During these substantive sessions, there will be heavy reading of up to 100 pages per session, but it will be divided up so that you are Lead Discussant on no more than two articles per week.

During sessions 12-14, you will respond to presentations on your first drafts. Student commentators will be assigned to each draft paper to provide additional constructive feedback to the author. The seminar format truncates the teaching days on the course topic in exchange for days off to research and write your paper as well as to meet with me and/or your colleagues.

## III. REQUIREMENTS

### A. Lead Discussant (5 points each, 10 points total)

In the first few weeks of the seminar, you will serve as “Lead Discussant” for two (2) different articles from our assigned reading. To prepare for your Lead Discussant role—which should help you get a better understanding of the nature of legal scholarship and, hence, how to approach writing your own paper—begin by pulling the **full length** law review article that is excerpted in the assigned text. (**NB:** It will be very helpful to discussion if your written paper identifies any time you are referencing content in the full-length article not contained in the excerpted material assigned.) **Please post— no later than 1:30pm the day prior to the start of your assigned session—an MS Word document of up to 500 words (with name and word count in upper right-hand corner of the document) to the TWEN forum “Lead Discussant postings,” which includes the following components:**

- 1) **Thesis:** Provide in one or two sentences, the author’s main argument or thesis (see description of thesis, *infra*, in Part V under “Week 7,” with three components);
- 2) **Evidence & Methodology:** Analyze whether the argument is supported by evidence and what kind of evidence is provided – how would you describe the “methodology” the author uses to prove her argument (doctrinal analysis, discursive analysis, legal history, storytelling, etc.);
- 3) **Critique:** Identify strengths or weaknesses of the author’s contribution, focusing on his/her argument, methodology, and evidence;

- 4) **CRT linkage:** Discuss whether and how the article engages both race and the law from a critical (vs. conservative or traditional civil rights or liberal) perspective, and assess how relevant the argument is in today's sociolegal context; and
- 5) **Questions:** Develop two or three discussion questions of a conceptual or theoretical nature (vs. factual or normative) to pose to the group to spur conversation.

**B. Commentator (10 points)**

Each of you will serve as a lead Commentator on a classmate's First Draft in Weeks 12-14. The Commentator is to provide **constructive, quality, critical** feedback using the concepts, theories, materials, and methodologies developed throughout the seminar.

**Commentators must prepare up to two (2) single-spaced pages of no more than 500 words in an MS Word document for the student-author presenting the paper, to be posted to the TWEN forum "Lead Commentator" no later than 10am the day prior to the assigned class. Please place your name and word count in the upper right-hand corner of your post.**

In the written comments, the Commentator will identify the student-author's thesis and methodology, state whether the author successfully supports his/her argument, identify what is critical/theoretical, legal, and racial about the work, and offer comments/readings you think may improve the draft. Please refrain from making grammatical edits in the posted written analysis (but feel free to share a hand-marked copy of line edits directly with the author), although organizational and framing edits are completely appropriate.

You will also be asked to serve as a secondary Commentator on another paper but with no written assignment

**On the day of presentations, the lead Commentator will start off with up to 5 minutes summarizing the Author's thesis and method before offering suggestions to improve the work. The secondary Commentator will then provide 2-3 minutes of verbal comments, and then the Author will be given 5 minutes to respond before opening up discussion to the entire group.**

**C. Timely Submission (10 points total):**

There are periodic due dates set forth in Part V, *infra*, relating to your final paper. **Your timely submissions as instructed via TWEN no later than 10am on the stated due dates will be awarded according to the number of points designated parenthetically throughout Part V.** Please submit all assignments as instructed to TWEN in readable MS Word files that are supported by TWEN.

**D. Final Paper (70 points):**

Each of you will produce a final seminar paper of publishable quality (such as a law review note or comment) that is a minimum of 7,500 words in length (including footnotes), using standard 12-point fonts and one-inch margins. **Final papers are to be submitted to the “Final Papers” assignment in the TWEN Assignment Dropbox no later than 10am on Friday, May 17, 2013.**

As I will be meeting with each of you to discuss your paper topics, there is no anonymous grading, so please place your **name and final word count (including footnotes) in the upper right-hand corner of the first page of your paper.**

**IV. REQUIRED TEXTS**

There will be required readings from the main text, **Kimberlé Crenshaw, Neil Gotanda, Gary Peller & Kendall Thomas, eds., *Critical Race Theory: The Key Writings that Formed the Movement* (The New Press 2005)**, and supplemental materials that will either be available on TWEN or distributed in class. We will follow the tentative course schedule listed below.

**V. TENTATIVE WEEKLY SCHEDULE OF ASSIGNMENTS**

(NLT = No Later Than)

**Week 1 (Jan. 23):** Introduction to Critical Race Theory

- TEXT: xiii-xxxii
- Sign-up for Lead Discussant articles/weeks

**Week 2 (Jan. 30):** Civil Rights Discourse and Intellectual Precursors

- TEXT: 1-57
- Assignment DUE NLT 10am (1 point): Prior to the start of class, please submit to the “Topics” assignment in the TWEN Assignment Dropbox two to three paper topic ideas or research questions and any initial thesis argument formulation (**see thesis definition, *infra*, under Week 7**) you may have, in order to prepare for the following week’s individual meetings with me.
- Sign-up for Individual Meetings on Paper Topics and Thesis via TWEN’s “Sign-Up Sheets” link.

**Week 3 (Feb. 6):** Rights Discourse & Contestation – Critical Race Theory & Critical Legal Studies

- TEXT: 63-122

**Week 4 (Feb. 13):** Progressive Alternatives to Mainstream Civil Rights Ideology

TEXT: 124-200, 315-29

**Week 5 (Feb. 20):** Critical Race Theory and Legal Doctrine

TEXT: 235-312

**Week 6 (Feb. 27):** Intersectionality and New Directions

TEXT: 357-437 and possible supplements

**Week 7 (Mar. 6):** No class, but **ASSIGNMENT DUE**

- Assignment DUE NLT 10am (3 points): Please submit to the “**Abstracts**” assignment in the TWEN Assignment Dropbox an **abstract of approximately 500 words** and an **annotated bibliography** of at least a **dozen** significant sources. **There are 3 components to this assignment:**
  - 1) **Abstract** (which in turn has 3 sub-parts):
    - a. **Topic:** Identify why your audience should be interested in your topic, why it is important, what is “legal,” “critical,” and “racial” about your topic.
    - b. **Thesis:** You should be able to state your thesis in 1-2 sentences. It should contain the following components:
      - i. **Oppositional (or “Although”) Clause:** The Oppositional Clause states, upfront, the competing argument you are arguing against. (You can look for examples of this in the assigned articles, although sometimes you will have to read the article carefully and construct the oppositional clause if it is not express.)
      - ii. **Thesis Argument:** The Thesis Argument is the main argument or “intervention” that you are making into the scholarly/policy debate.
      - iii. **Because Clause:** The Because Clause contains the evidentiary support for the thesis statement, and should ideally signal the structure of the evidence laid out in the article.
    - c. **Methodology:** Please include your expected research base/methodology (doctrinal analysis, historical research, “discourse analysis,” etc.). For those of you unfamiliar with interdisciplinary methodologies, you may want to focus on traditional legal methodology that relies upon analyzing cases and

legal doctrines—i.e., doctrinal analysis. If you are using cases, please identify which set of cases you will be studying (for example, employment discrimination cases involving transgender people of color, or national security cases targeting Arab and/or Muslim Americans, etc.).

- 2) **Literature Review:** Be sure to state what is original about your research based on the existing literature in your topic. By identifying the relevant literature, you are also situating your argument in terms of the intervention you are seeking to make. For example, in Crenshaw's "Intellectual Precursors" Introduction, she identifies a number of civil rights and leftist scholars to set up her leftist intervention in liberal, civil rights discourse, as well as her race intervention among white leftists and Critical Legal Studies scholars.
- 3) **Annotated Bibliography:** In your bibliography, please include at least a dozen sources (cases, law review articles, social science/news articles, books, etc.) for your topic and a parenthetical description about the salience of the source. The parenthetical should be 1-3 sentences and summarize the key takeaway of your source and identify particular pages that are especially useful to you to assist with footnoting your authority in your draft and final paper. TIP: Take notes while you do your research on what is helpful about a source you are reading to make the annotations much easier.

**Week 8 (Mar. 13):** No class. Sign-up for Individual Meetings to discuss your papers via TWEN's "Sign-Up Sheets" link.

**SPRING BREAK (Mar. 20)!!!**

**Week 9 (Mar 27):** No class.

- Assignment DUE NLT 10am (3 points): Please submit to the **"Detailed Outline" assignment in the TWEN Assignment Dropbox** your Introduction/Detailed Outline OR Major Section Draft. This should be at least 6-8 pages. You should be able to incorporate your Abstract and Literature Review into this segment.

**Week 10 (Apr 3):** No class. Individual meetings as needed/requested.

**Week 11 (Apr 10):** No class.

- Assignment DUE NLT 10am (3 points): Please submit to the **"First Drafts" assignment in the TWEN Assignment Dropbox** your First Draft. Your First Draft should have a clearly stated thesis argument and an introduction. It should be at least 15-20 pages OR a minimum of 3,750 words. **Please adhere to the deadline to ensure that I can give you feedback prior to your presentation and so that your commentators have ample time to prepare their comments.**

**Week 12 (Apr 17):** Paper Commentators/Presentations

**Week 13 (Apr 24):** Paper Commentators/Presentations

**Week 14 (May 1):** Paper Commentators/Presentations

**May 17:**

- Assignment DUE NLT 5pm (70 points): Please submit to the “Final Papers” assignment in the TWEN Assignment Dropbox your **Final Papers** (see *supra*, Part III.D, for details). **A significant deduction will be taken off final paper grade for late submissions.**

**VI. FINAL PAPER DUE DATES**  
(NLT = No Later Than)

**ALL submissions must be posted to the appropriate assignment in the TWEN Assignment Dropbox by the time/day specified.**

**ALL submissions must be posted in an MS Word file with name & word counts in the upper-right-hand corner!!!**

<b>Week 2 (Jan. 30)</b>	<b>Topics due</b> , posted NLT 10am. 1 pt.
<b>Week 7 (Mar. 6)</b>	<b>Abstract, Literature Review, and Bibliography due</b> , posted NLT 10am. 3 pts.
<b>Week 9 (Mar. 27)</b>	<b>Intro/Detailed Outline OR Major Section Draft due</b> , posted to TWEN NLT 10am. 3 pts.
<b>Week 11 (Apr. 10)</b>	<b>First Draft of at least 3,750 words due</b> , posted NLT 10am. 3 pts.
<b>Exam Week – May 17</b>	<b>Final Paper due</b> , posted NLT 10am (see <i>supra</i> , Part III.D for details) – <b>significant deduction off final paper grade for late submission.</b> 70 pts.