

**Critical Race Theory Seminar**  
**Professor Adrien K. Wing**  
**Fall 2011**

This course will examine race relations and racial discrimination through the perspectives of proponents of the Critical Race Theory (CRT) movement, a collection of legal scholars who challenge both conservative and liberal political orthodoxies. CRT is part of an evolving critical jurisprudential tradition and we will look at some of the interrelated networks, including Critical Legal Studies (CLS), feminist jurisprudence, critical white studies, Queer Theory, Asian Crit, and LatCrit Theory as well. There will be a special emphasis on two topics: critical race feminism, which focuses on the status of women of color under the law; and global CRT, which explores international and comparative law manifestations and implications of CRT.

**READINGS**

The readings are:

1. CRITICAL RACE FEMINISM: A READER (Adrien Wing editor)(NYU Press 2d edition 2003)[hereinafter Text].
2. Handouts

There may be additional short reading due to late breaking events. There may be guest speakers as well. There may be make up classes.

**COURSE EVALUATION**

1. This course satisfies the substantial writing requirement. The paper will count 60% of the final grade and will be due on December 5. The topic and requirements should be discussed with me early in the semester. We will workshop rough drafts of the papers near the end of the course. The amount of time for the workshop will depend on how many students are writing papers. If more than 20 students wish to do a research paper, the excess number will do a take home final exam.
2. Each student will do a 15 minute oral and written class presentation of one day's readings. The length of the written component is variable. Many students now do powerpoint and we circulate the slides via email. Some of the powerpoints even contain video clips which can be highly effective. The presentation may include: questions raised by each reading, relations of the readings to other readings and current events, issues for further study, etc. **DO NOT SUMMARIZE THE DAY'S READINGS.** This aspect may include a role play, moot court, film clip or some other creative component. For the articles from the text, they are usually shortened version of law review pieces. You may want to seek out the full versions and also check for later articles. This assignment is worth 20%. The students should email the class the presentation no later than 6am of the day of the presentation.

3. Class participation will count 20% of the final grade. It includes regular class attendance as required by the ABA and Chapman as well as preparation and active contribution to class discussion. Comments should evidence a mastery of the readings. Anyone who will be absent should email me. There will be a CRT Roundtable at the end of the course which will count toward the class participation component. The Roundtable will consider cutting edge questions on where do we go from here?

### **OFFICE HOURS**

The best time to reach me will be immediately after class. Additionally, you can email [wing@chapman.edu](mailto:wing@chapman.edu) or call my cell phone 319-621-7674. Please do not come to see me in the hour before class. You can also drop by, and the best days are Monday or Wednesday. Email if you want a specific appointment.

**READINGS** ---- all dates approximate. The readings may be adjusted to accommodate guest speakers, make ups, late breaking events, etc.

(Do the reading for the day listed even if we have not finished the prior day's readings)

### **Week One**

#### **Mon. Aug. 22 INTRODUCTION TO THE COURSE**

Introduce Ourselves –sign up for presentations

#### **Narrative**

HANDOUT 1 Richard Delgado, "Storytelling for Oppositionists and Others: A Plea for Narrative," 87 Mich. L. Rev. 2411 (1989) excerpted from the Delgado Reader (Adrien Wing et al eds. 2007)

Adrien Wing, Space Traders for the 21<sup>st</sup> Century, 11 Berkeley J. Afr.-Am. L. & Pol'y 49 (2009)

#### **Binaries**

Roy L. Brooks & Kirsten Widner, In Defense of the Black/White Binary: Reclaiming a Tradition of Civil Rights Scholarship, 12 Berkeley J. Afr.-Am. L. & Pol'y 107 (2010)

#### **Identity**

Vinay Harpalani, Ambiguity, Ambivalence, and Awakening: A South Asian Becoming "Critically" Aware of Race in America, 11 Berkeley J. Afr.-Am. L. & Pol'y 71 (2009)

**Week Two Mon. Aug. 29**

**Hate Speech**

HANDOUT 2 Richard Delgado and Jean Stefancic, Four Observations about Hate Speech, 44 Wake Forest L. Rev. 353 (2009)

**Criminal Law**

Paul Butler, What Value(s) does the Fourth Amendment Serve? The White Fourth Amendment, 43 Tex. Tech L. Rev. 245 (2010)

James Forman, Jr., The Black Poor, Black Elites, and America's Prisons, 32 Cardozo L. Rev. 791 (2010)

**Family**

Angela Onwuachi-Willig & Jacob Willig-Onwuachi, A House Divided: The Invisibility of the Multiracial Family, 44 Harv. Civ. Rights-Civil Liberties L. Rev. 231 (2009)

**Week Three Mon. Sept. 5 no class**

**Week Four Mon. Sept. 12**

**Affirmative Action**

HANDOUT 3 Angela Onwuachi-Willig and Kevin Johnson, Cry Me A River: The Limits of "A Systemic Analysis of Affirmative Action in American Law Schools," 7 Afr.-Am. L. & Pol'y Rep. 1 (2005)

**Queer Crit**

Catherine Smith, Queer as Black Folk, 2007 Wisc. L. Rev. 379

**Week Five Mon. Sept. 19**

**LatCrit**

HANDOUT 4 Margaret E. Montoya and Francisco Valdes, Latinas/os and Latina/o Legal Studies: A Critical and Self-Critical Review of LatCrit Theory and Legal Models of Knowledge Production, 4 Fl. Int'l U. L. Rev. 187 (2008)

**Week Six Mon. Sept. 26**

**CRITICAL RACE FEMINISM**

Introduction Text pp. xii-19

*Essentialism and Antiessentialism: Ain't I a Woman?*

Kimberle Crenshaw, Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics Text pp. 23-33

Angela Harris, Race and Essentialism in Feminist Legal Theory Text pp. 34-41

Kathleen Cleaver, Racism, Civil Rights, and Feminism Text pp. 48-56

Berta Hernandez, Latinas - Everywhere Alien: Culture, Gender, and Sex Text pp. 57-69

Margaret Montoya, Mascaras, Trenzas, y Grenas: Un/masking the Self while Un/braiding Latina Stories and Legal Discourse Text pp. 70-77

Lea Vandervelde & Sandhiya Subramanian, Mrs. Dred Scott Text pp. 78-87

**Week Seven Mon. Oct. 3**

*Outsiders in the Academy and Profession*

Ken Mack, A Social History of Everyday Practice: Sadie T. M. Alexander and the Incorporation of Black Women into the American Legal Profession, 1925-1960 Text pp. 91-100

Anita Hill, A Tribute to Thurgood Marshall: A Man Who Broke with Tradition on Issues of Race and Gender Text pp. 101-105

Lani Guinier, Of Gentlemen and Role Models Text 106-113

Angela Gilmore, It Is Better to Speak Text pp. 114-19

Pamela Smith, Failing to Mentor Sapphire: The Actionability of Blocking Black Women from Initiating Mentoring Relationships Text pp. 120-30

Pamela Bridgewater, Transforming Silence: The Personal, Political, and Pedagogical Prism of Abortion Narrative Text pp. 149-56

## **Week Eight Mon. Oct. 10**

### *On Mothering or Not*

Patricia Williams, Spare Parts, Family Values, Old Children, Cheap Text pp. 159-66

Dorothy Roberts, Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy Text pp. 167-75

Twila Perry, Transracial Adoption: Mothers, Hierarchy, Race, and Feminist Legal Theory Text pp. 176-85

Adrien Wing, Polygamy in Black America Text pp. 186-94

### *Criminality*

Anita Allen, Against Drug Use Text pp. 197-208

Paula Johnson, At the Intersection of Injustice: Experiences of African American Women in Crime and Sentencing Text pp. 209-18

Maria Ontiveros, Rosa Lopez, Christopher Darden, and Me: Issues of Gender, Ethnicity, and Class in Evaluating Witness Credibility Text pp. 219-27

## **Week Nine Mon. Oct. 17**

Michele Goodwin, Gender, Race, and Mental Illness: The Case of Wanda Jean Allen Text pp. 228-37

Margaret Chon, Erasing Race? A Critical Race Feminist View of Internet Identity Shifting Text pp. 238-49

Lisa Ikemoto, Male Fraud Text pp. 250-258

### *Domestic Violence*

Linda Ammons, Mules, Madonnas, Babies, Bathwater, Racial Imagery, and Stereotypes: The African-American Woman and the Battered Woman Syndrome Text pp. 261-69

Gloria Valencia-Weber & Christine Zuni, Domestic Violence and Tribal Protection of Indigenous Women in the United States Text pp. 278-86

Donna Coker, Enhancing Autonomy for Battered Women: Lessons from Navajo Peacemaking  
Text pp. 287-97

**Week Ten Mon. Oct. 24**

*Working*

Regina Austin, Sapphire Bound! Text pp. 301-308

Paulette Caldwell, A Hair Piece: Perspectives on the Intersection of Race and Gender  
Text pp. 309-17

Devon Carbado & Mitu Gulati, The Fifth Black Woman Text pp. 318-27

Taunya Banks, Toward a Global Critical Feminist Vision: Domestic Work and the Nanny Tax  
Debate Text pp. 328-38

Dorothy Brown, Race, Class, and Gender Essentialism in Tax Literature: The Joint Return  
Text pp. 339-48

Sumi Cho, Converging Stereotypes in Racialized Sexual Harassment: Where the Model  
Minority Meets Suzie Wong Text pp. 349-66

Emma Coleman Jordan, Race, Gender, and Social Class in the Thomas Sexual Harassment  
Hearings: The Hidden Fault Lines in Political Discourse Text pp. 367-72

**Week Eleven Mon. Oct. 31**

*On the Borders*

Azizah al-Hibri, Muslim Women's Rights in the Global Village: Challenges and Opportunities  
Text pp. 375-84

Leti Volpp, Feminism versus Multiculturalism Text pp. 395-405

HANDOUT 5 Karla Mari McKanders, The Unspoken Voices of Indigenous Women in  
Immigration Raids, 14 J. Gender, Race & Just. 1 (2010)

Adrien Wing & Monica Nigh Smith, Critical Race Feminism Lifting the Veil?: Muslim  
Women, France and the Headscarf Ban, 39 UC Davis L Rev. 743 (2006)

**Week Twelve Mon. Nov. 7**

**Future**

HANDOUT 6 Sumi Cho, Postracialism, 94 Iowa L. Rev. 1589 (2009)

André Douglas Pond Cummings, A Furious Kinship: Critical Race Theory and the Hip-Hop Nation, 48 U. Louisville L. Rev. 499 (2010)

**Week Thirteen Mon. Nov. 14 workshop papers**

**Week Fourteen Mon. Nov. 21 workshop papers**

**Week Fifteen Mon. Nov. 28 CRT Roundtable Where do we go from here??**