Racism, Law, and the Social Sciences

Laws 54303, Winter, 2016
Prof. Christopher Fennell

Course Objectives

This seminar for law students and graduate students in the social sciences and international studies will provide an in-depth study of theories and methods for analysis of racialization in past and present societies. Work on racialization examines the social construction of racial and ethnic identities—how social differences are created, maintained, and masked. A key focus of this seminar is the interrelation of racializing ideologies with other cultural and social dimensions, such as class, ethnicity, gender, political and legal structures, and economic influences. We will also consider the related histories of biological and genetic concepts of different races within the human species as part of the context of our study of racism operating within social processes. We will study how racialization bears on and features in law and social policy. The seminar includes a major writing project in the form of a seminar paper.

By the conclusion of this course, each student should have acquired skills in the following areas: theories and methodologies used in studies of racializing processes operating in past and present societies; the interpretations of data produced in such projects; critical reading and assessment of particular studies of racism; the basic assumptions, theories, and methods utilized in those studies; an enhanced ability to communicate, in written and oral form, a research design; enhanced skills in locating and utilizing sources for analyzing the processes of racialization, including those available from libraries, internet databases, research groups, and professional organizations.

Instructor: Chris Fennell (MA, U. Pennsylvania, 1986; JD, Georgetown U., 1989; Ph.D., U. Virginia, 2003) is Associate Professor of Anthropology & Law and University Scholar at the University of Illinois, and a Visiting Professor of Law, University of Chicago.

This class meets in Classroom G of the Law School, 1111 East 60th Street, on Wednesdays, from 4:00pm to 6:00pm.

Office Hours: Tuesdays and Wednesdays, 1:30pm to 2:30pm, or by appointment. My office is Room 536 of the Law School; my cell phone is 312-513-2683, and email cfennell@uchicago.edu.

I have created a course web page using the Law School’s Chalk program. Enrolled students can access the course web page by logging onto the Chalk system for access to the course syllabus, reserve readings, and other online resources.
Course Structure

No prerequisite courses are required, and this course is designed to enable graduate students to analyze legal structures and to enable law students to understand and apply social theories and concepts in similar studies. Requirements for this seminar course include preparation of a research paper and thoughtful class participation. Writing for this seminar may be used as partial fulfillment of the JD writing requirement (SRP or WP).

Seminar Paper

Your grade will be based primarily (80%) on an original analytic research paper that you complete on a topic of your choosing related to a subject within the scope of racism, law, and the social sciences. Your paper should apply pertinent theoretical concepts and analyses to critically examine the social, legal, or biological issues addressed in your chosen topic.

With my approval, writing for this seminar may be used as partial fulfillment of the JD writing requirements. In order to receive writing credit, you will need to check with me at the outset and meet feedback and revision requirements, as well as the specific requirements for the type of writing credit you are seeking. Generally, seminar papers should be at least 20 pages long and are typically 20-30 pages long (6000-8000 words), including footnotes, and double-spaced in a normal font (such as Times New Roman 12 point), with normal margins. If you are seeking writing credit, a full draft of your paper will be due by June 1, 2016 (or by April 13 if you are graduating in June 2016). Students not interested in obtaining SRP or WP credit are invited to submit drafts according to these deadlines, but are not required to do so.

Here are pertinent excerpts of the current Law School guidelines for these writing requirements:

Substantial Research Paper (SRP)

An SRP is (1) a careful, extensive treatment of a particular topic; (2) certified by a member of the faculty; (3) submitted by a student who has taken advantage of one or more opportunities to respond to suggestions and criticism in producing the paper; and (4) not largely derivative of work undertaken for another academic degree, for a summer job, or in some other environment outside the Law School.

SRPs are typically 20-30 pages in length, but revisions and opportunities to rework arguments and writing are more important than length. Faculty members certifying such projects must approve the paper topic and agree to supervise the project prior to the student’s undertaking substantial research and writing.

Writing Project (WP)

A student’s second, or other, writing project (WP) can, but need not, be of the SRP form. Again, work submitted in satisfaction of either of the two writing requirements may not
largely be derivative of work undertaken in pursuit of another academic degree or in a summer job or other environment outside the Law School.

**Seminar Paper Deadlines**

Project title and abstract (2-3 paragraphs) due: February 17

Detailed outline due: February 24

Final paper due: June 20, 2016 (or May 2, 2016 if you are graduating in June 2016)

A final paper submitted late will be docked by one grading increment for each day of lateness. Late submission on any of the other items will negatively affect your class participation grade. Extensions are of course possible in the case of bona fide emergencies or other compelling circumstances, but these must be addressed before the expiration of the deadline unless circumstances make this impossible.

**Seminar Paper Topics**

The range of potential topics for such seminar papers is fairly broad. For example, such topics could include analysis of: U.S. legal issues related to voting rights, affirmative action, reverse discrimination, disparate treatment, and disparate impact concepts; entanglement of racial prejudices and self-defense and criminal laws; potential claims for reparations for past discrimination; disputes related to indigenous group claims concerning control of land, resources, and items of tangible and intangible heritage; case studies of interrelation of ethnic identities and racial ideologies in various settings worldwide; case studies of impacts of racial ideologies upon immigrants and refugees; strengths and weaknesses in national and United Nations initiatives to combat racial discrimination; deployment of racial perceptions in national conflicts and terrorism; issues in health, medical, and pharmaceutical research and services impacted by race concepts; and debates on genetic studies and implications for racial dynamics.

**Participation**

Class participation constitutes 20% of your grade. Barring illness or emergency, you are expected to attend every class session, to have done the reading, and to be ready and willing to discuss.

**Required Class Readings**

**Texts**


Articles on Electronic Reserve

The Class Schedule section of this syllabus provides a list of readings and sources for each class, which will be available in the two books listed above or in readings on electronic reserve in Chalk. Assigned articles and chapters on electronic reserve include:


In addition, following the Class Schedule below, I provide a bibliography of additional print sources and a list of internet resources related to subjects of racism and racialization. These source lists should be helpful for class participants in choosing topics for their seminar papers and conducting research related to the course. Another extensive bibliography, subdivided by disciplinary subject areas (e.g., anthropology, education, census, genomics, health), has been compiled by the *Race Project* and is available online. The books and articles assigned as part of the readings for this course also include extensive bibliographies. These lists of resources are not required readings, and are provided as a starting point for choosing and researching subjects for seminar papers.

**Class Schedule**

This seminar meets on Wednesdays, from 4:00pm to 6:00pm, in Classroom VI of the Law School, 1111 East 60th Street.

| Class will not meet on Jan. 6. We will start on Jan. 13 and schedule a make-up class time thereafter. The schedule of readings and discussions set out below will follow the order of Class numbers, but I will need to adjust the dates after we complete the make-up class. |
| Strategies in Combating Racism. During the week of Jan. 6, you can begin considering some issues for this seminar by watching *Race Relations in Crisis* (1963), a filmed debate among civil rights leaders Malcolm X, Wyatt Tee Walker, Alan Morrison, and James Farmer on combating racism in the United States (see assignment sheet on Chalk electronic reserve). |
*Race: Are We So Different?* Part 1 (pp. 1-89), creating a concept, mismeasures, inventing whiteness, separate and unequal.  
**Discussion of Strategies in Combating Racism.** *Race Relations in Crisis* (1963), a filmed debate among civil rights leaders Malcolm X, Wyatt Tee Walker, Alan Morrison, and James Farmer on combating racism in the United States (assignment sheet on Chalk electronic reserve). |
|---|---|---|
| Class 2 | Jan. 20 | Biological, Social, and Cultural Facets of Racism.  
*Race: Are We So Different?* Part 2 (pp. 91-133), biological elements in race concepts, human variation, health manifestations. Part 3 (pp. 145-245), living with racism, census politics, education, racism in America, wealth divergence, health disparities.  
| Class 3 | Jan. 27 | Insights from Native American Struggles for Sovereignty and Identity. *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity*, chapters 1-17, on scientific racism in America, the great American skull wars, the perilous idea of race, Folsom, Clovis, and debates concerning first Americans. |
| Class 4 | Feb. 3 | Insights from Indigenous Struggles. *Skull Wars: Kennewick Man, Archaeology, and the Battle for Native American Identity*, chapters 18-24, on the non-vanishing Indian, political power gained by Native Americans, NAGPRA, tribal affiliations, and archaeology without alienation.  
| Class 5 | Feb. 10 | Shapeshifting Dynamics of Racism: From Physical Phenotypes to Racial Politics of Culture // Whiteness Studies and the Unmarked  
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<tr>
<th>Class 6</th>
<th>Feb. 12</th>
<th>Case Studies of Racism and Discrimination against the Dalits of India and Roma of Europe</th>
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<td>Class 7</td>
<td>Feb. 17</td>
<td>Case Studies of Race, Color, and Indigeneity in Latin America: Examples from Brazil, Cuba, Dominican Republic, Haiti, Mexico, and Puerto Rico</td>
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<td><strong>Deadline</strong>: project title and abstract (2-3 paragraphs in length) describing your planned seminar paper (delivery via email).</td>
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<td>Class 8</td>
<td>Feb. 24</td>
<td>Nationalism, Ethnicity, and Racism in China and Singapore</td>
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<td><strong>Deadline</strong>: detailed outline of seminar paper, including citations of sources identified thus far that you intend to use (delivery via email).</td>
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Class 9
Mar. 3

Xenophobia, Immigration, and Refugee Abuses in Africa, Europe, and the U.S.


Term end

Deadline: Your final seminar paper is due to me via email by **5:00pm (CT) on June 20, 2015** (or **May 2, 2016** if you are graduating in June 2016).

Resources

The following lists of resources are not required readings, and are provided as a starting point for choosing and researching subjects for seminar papers.

**Anthropological Studies of Race Concepts and Racism**


*Studies of Race and Racism in Philosophy, History, Law, Biology, and Social Sciences*


**Studies of Ethnicity, Social Identity, and Intersecting Social Dimensions**


Internet Resources

African American Cultures and History:
http://www.anthro.uiuc.edu/faculty/cfennell/bookmark3.html

American Anthropological Association’s Statement on Race:
http://www.aaanet.org/stmts/racepp.htm

American Anthropological Association’s “About Race”
http://www.aaanet.org/resources/A-Public-Education-Program.cfm

American Association of Physical Anthropologists’ Statement on Biological Aspects of Race:
http://www.physanth.org/association/position-statements/biological-aspects-of-race/

Amnesty International Resources:
http://www.amnesty.org/en/library

Anthropology and Law Resource List:
http://www.anthro.illinois.edu/faculty/cfennell/syllabus/anth560/anthlawbib.htm

Charleston Syllabus on Racism (C. Williams, Brandeis U.):
http://www.thecharlestonsyllabus.com/

Confronting Genocide in the 21st Century (U.S. Holocaust Mem. Mus.):
http://www.ushmm.org/confront-genocide

Equal Justice Initiative:
http://eji.org/

European Network against Racism:
http://www.enar-eu.org/

Genetic Discrimination Laws (Nat’l Inst. of Health)
http://www.genome.gov/10002077

Inside the Battle for Fair Housing (The Atlantic):

Line in the Sand (Indigenous Peoples’ Rights):
http://www.hanksville.org/sand/

Literature on Race, Ethnicity and Multiculturalism (U. San Diego):
http://ethics.sandiego.edu/Applied/race/
Mapping Segregation in Washington, DC
http://prologuedc.com/blog/mapping-segregation

Matters of Race (PBS):
http://www.pbs.org/mattersofrace/

Multiracial in America (Pew Research):
http://www.pewsocialtrends.org/2015/06/11/multiracial-in-america/

National NAGPRA Resources (NPS):
http://www.nps.gov/nagpra/

Race: The Power of an Illusion (PBS):
http://www.pbs.org/race

“Racial Dot Map” of Residential Distributions (U. Virginia)
http://demographics.coopercenter.org/DotMap/index.html

Racism in the Academy (Am. Anth’l Assoc.):

Society for American Archaeology, Repatriation Issues:

State Sanctioned
http://statesanctioned.com/

Teaching Race Anthropologically -- Some Resources (Jason Antrosio):

Understanding Race, Bibliography of Sources:

UNESCO Resources:

World Conference against Racism:

[Last updated January 23, 2016]