

COURSE SYLLABUS
POLI 3426 – Sex, Race and the State

Department of Political Science
Dalhousie University

Instructor: Dr. Margaret Denike

Email: m.denike@dal.ca

Office Hrs: Monday and Wednesday 11:35-12:35, accessible through Collaborate Ultra, and alternatively, by request/appointment

Class Time: Monday and Wednesday 10:00-11:30
McCain Rm 2102; however, in accordance with the University directive, classes will be conducted virtually for the month of January, with lecture / seminar discussions held online via Collaborate

COURSE DESCRIPTION

Through a historical overview of selected issues and events, this course examines the role and significance of state laws and policies in the social and legal construction and regulation of sex and race in post-colonial Canada and the U.S.

It begins with an overview of Roman law and Christian doctrine in the development of legal and moral prescriptions for sexual conduct in Western states, which we then track through an examination of a series of debates and state initiatives, such as in restrictions around ‘marriage’, citizenship, elective franchise, and personhood. Then, to critically approach the social and legal ‘construction of race’ in its western historical context, we will examine the “invention of the white race” in relation to the institutionalization of slavery in colonial U.S. While the first half of the course will focus primarily on early formations of anti-black racism, the 2nd half will consider laws and policies that have entrenched anti-Asian sentiment, Islamophobia, and the discrimination against Aboriginal women in the 19th and 20th centuries. In taking a historical approach, through such case studies, the course aims specifically to elucidate the interrelated structural and institutional formations of sexism and racism in Canadian and US law and policy.

Further to the discussion and analyses of how sexual and racial differences have been socially and legally constructed within social and political hierarchies, we will also look at the legal strategies, and activist initiatives led by sexual minorities and racial groups for legal reform, particularly in the past century. This includes considerations of human rights challenges that have been brought before the courts and legislatures to advance sex and gender equality, and that relate to same-sex relationship recognition.

Resources:

This syllabus [and any updated version, if changes are required due to snow days or cancelled classes] **is the most important document** for you, for this course. You need to check it and review

the reading requirements before each week, as it contains information, including links to required readings, copies of which may not necessarily be found in the Brightspace folders.

Most of the titles and citations, and where possible, the direct links to both the required and the recommended articles and videos **are provided on the course syllabus** (below). Please appreciate that some of these links may expire and/or some article may require you to track them down and access them through the Novanet library portal using your Dal ID: this is to say that, while I appreciate you letting me know if a given link does not work, please try to locate it through an independent search and/or through your own personal library access.

Where possible, and if I have them available, I have posted pdf versions of the required readings each week in the appropriate module on Brightspace.

Evaluation Profile:

A) Written Assignments

A main objective of this course – and where you can expect me to put a fair bit of time and energy -- is in the development and refinement of *your scholarly writing skills*. My attention to the details of both the form and content of your written work will have this goal in mind, with the aim of ensuring that you have input that is oriented specifically to helping you to improve these skills, to become a greater writer and produce increasingly strong written scholarly work. The comments, clarifications or corrections on each assignment will be important to inform those that follow.

There will be three short and one longer [research] writing assignments, all of which needs to be properly documented, referenced and formatted in accordance with current **MLA Style Guidelines**. If you do not already have these handy, you need to look these up and follow them accordingly, respecting the differences – for example—between documenting books, articles, websites, and/or video. Please **do not** contact me to ask how any given reference entry needs to be formatted: this will be for you to work out on your own. Nor should you rely on the citation reference on the syllabus, as I have not necessarily formatted the reference this [MLA] way.

1. Three short assignments [@15% each]: 45%

Due:

Friday Jan. 28
Friday Feb. 18
Friday Mar. 11

There are three short [3-5 page] assignments, the primary aim of which is two-fold and relate to both the form and the content of written work:

- 1) Regarding content: to enable students' familiarity and mastery of a wide range of materials that are provided **on the syllabus** for this course, and your ability to clearly and accurately represent them
- 2) Regarding form: to develop and refine the scholarly writing in this field, including in effectively introducing your focus/topic, supporting and illustrating claims, effectively

transitioning between points or topics; properly acknowledging documenting the ideas or statements to which you refer or which you draw from other authors; etc.

Additional guidelines for these assignments are posted in Brightspace. These may include prepared questions to direct your focus on selected themes, or perhaps requests to elucidate the debates covered in the class; applications or elaborations of a key point or approach in another context, for example. Ultimately, the aim is about you reading, knowing, and demonstrating your knowledge of the materials listed on the syllabus for this course.

2. Research Paper: 25%

Due: Friday Mar. 25

- 2500 words max, excluding bibliography or works cited

This essay asks students to draw on both course readings and additional research/reading, to further explore an argument, issue, debate and/or to apply the approach of one of authors discussed in the course.

These scholarly essays need to abide by the current **MLA Style Guidelines**, for proper documentation and referencing. You need to look these up and follow them accordingly, respecting the difference for each entry. Please do not rely on the citation reference on the syllabus, as it is not formatted this way.

Additional Assignment Guidelines will be posted on Brightspace.

B. Contributions to the Seminar and Discussion Boards

1. Seminar Participation: 10%

Your contribution is very significant component of this course, and it will be evaluated on the basis of your **active and informed participation** to the weekly seminars and Discussion Boards [on Brightspace], whether they are held virtually through Collaborate Ultra [as we expect to be the case for the month of January] or in-person, if COVID restrictions permit.

Please take your agency and active involvement in this course seriously: it makes all the difference when you do.

For both virtual and in-person seminars, your attendance and participation is instrumental not only to your individual success but also to that of the group / course itself: whether or not you have completed the readings and/or come prepared with thoughts and remarks will invariably determine and affect the quality and character of the discussion and experience for that day, for everyone -- in informing the topics of discussion, guiding the lines of inquiry, and offering clarifications and/or other considerations to assist each with what may otherwise be quite challenging and difficult conversations and analyses. Please approach each class as though you were personally responsible for adding to --and strengthening its quality and its effectiveness. I.e., it is not something to which you should just 'show up'.

You are asked to come prepared for these seminars, and to have completed the readings for that week, **before the class**, as they will be the focus of the discussions.

I will aim to record each of our seminars, at least when they are held virtually, so that those who are unable to attend will still have the opportunity to later see what has been covered. This may not be possible with in-person classes, however.

2. Contributions to Online discussion 20%

Weekly discussion boards will be open on Brightspace to students, to provide you with the opportunity to initiate lines of inquiry, engage in follow-up commentary and/or participate in conversations with your peers about the readings, videos and/or lectures for that given week.

As the instructor, while I may occasionally provide conversational prompts, such as through a weekly announcement about the material, or invite your attention to certain questions or issues, I will **not** be personally participating in these discussion boards, and I would thus urge your leadership and freedom to launch any discussion or raise a point of interest.

This part of the course aims not only to facilitate your independent exchanges about the materials, but also to help ensure that you stay on top of the reading materials: the board for each of the weekly topics and readings will close at the end of the week [as per the designated period on Brightspace].

Students are asked to post at least one substantive remark and/or response to a discussion initiated by others, for each week. You are welcome to post remarks on any aspect of either the required or recommended readings for that week. The remarks of other students will become visible only once you make your own initial comments/submission. The only requirement is that **you must have read** the work to which you refer, so that you comments are properly informed.

Your contributions will be assessed on the basis of the extent to which the posts are informed, thoughtful and respectful contributions to the discussion and analysis of the course materials and related conversations. There are no length requirements.

Grading Profile

90-100 = A+	77-79.9 = B+	65-69.9 = C+	50-55.9 = D
85-89.9 = A	73-76.9 = B	59-64.9 = C	50 > F
80-84.9 = A-	70-72.9 = B-	56-58.9 = C-	

Weekly Topics and Readings

As set out on this syllabus, a selection of required readings or video lectures are assigned for each week. These materials – readings and videos alike-- will inform our seminar discussions for the week, the focus of which will typically be clarifying the content and significance of the key articles or leading authors of the posted resources.

In addition to the required readings, you will see several ‘recommended’ readings, for each topic. These are made available not only to provide further readings or considerations about the ideas covered in the required readings, but also as a valuable resource for your short written assignments

and research essay. Although they are not ‘required’ reading/viewing, they will be invaluable for clarifying and strengthening your understanding of those that are required. You are thus encouraged to explore these and other recommended resources, and especially a) further writings by the authors or materials discussed in class; and b) the sources that are referenced by them, and that inform their approach or analysis, which you will find in their list of works cited.

When you are watching the posted YouTube video-recordings, please make a point of taking notes, for example of key points, general arguments, helpful remarks, related thoughts and etc., made by the speaker, narrator, or author. These notes will be valuable for your future reference, including when you wish to cite points or claims made by the speakers, in your writing assignments, or in the posts you make to the discussion groups.

A few brief notes are provided for many of the recommended resources, to give you a sense of what to expect in terms of content and length, as well as the topics and themes of interest.

Schedule of Weekly Topics and Readings

Weeks and Topics

1. Jan. 5

Background Readings

Introduction and Overview of Course Topics and Themes

Required Reading:

Please begin by reading the syllabus. This document includes all the information and resources that you will need, not only for the weekly seminars, but for your assignments and research papers, the primary objective of which will be about showing your knowledge and understanding of a “wide range of materials listed on the syllabus for this course.”

Please begin right away to read the required materials for next class i.e., by January 10, so that you can come prepared to that class to discuss them –beginning with the first on the list – i.e., James Brundage’s “Law and Sex in the Ancient World”.

Recommended Reading and Viewing:

To provide you with a sense of the trajectory of the course and its contextualizing frames of thought and analysis [in critical studies of race, racism, and gender – and their interrelations], I have chosen the following talks by a few leading anti-racist and gender theorists, authors, professors and activists, on central themes of the course. While these are not ‘required’, they will be really helpful and informative to you from defining key terms and setting out critical insights, lines of inquiry, to providing resources to inform your comments on the discussion boards as well as your written assignments.

Structural Racism and Whiteness

- [VIDEO] Trisha Rose, “How Structural Racism Works” 1:00:00 Available at: <https://www.youtube.com/watch?v=bC3TWx9IOUE>
 - An excellent, extensive yet concise overview on [primarily anti-black] *structural racism* in the U.S., and how it is reinforced through ideas and policies -- which will provide one of the theoretical, practical and political contexts of the course
 - Defining Structural Racism; normalization of disadvantage via everyday processes; legitimization through institutions and policies.
 - Inter-dependence of various inequalities- -employment, education, historically, Misrepresentations of drug-relations; discrepancies in wealth; arrests and prosecution
 - ‘Redlining’: a policy/practice whereby predominately black neighbourhoods identified as less valuable and less eligible for funding: a way of dis-investing in black communities; segregation; asset reduction
- [VIDEO] Brown University, “Whiteness in the Time of Trump” April 20, 2018. (59:56 mins). Available at: <https://www.youtube.com/watch?v=96m8FzPkUIc&t=1999s>
 - David Roediger interviewed by Patricia Rose

Dog Whistle Politics

- [VIDEO] Democracy Now, “Dog Whistle Politics: How Politicians use Coded Racism to Push Through Policies Hurting All”. Jan 14, 2014. [16:48 mins]. Available at: <https://www.youtube.com/watch?v=85caD4xAWXM&t=137s>
 - Featuring Ian Haney Lopez; the new public racism is now coded
 - examples by Gingrich [food stamps]; Goldwater, Regan, Marco Rubio [states rights – as opposition to integration; devolve anti-poverty programs and affordable care to states, which divert resources away from poor, racial groups]; Lee Atwater [Bush’s campaign manager]; cutting taxes; deceiving voters
- [VIDEO] Ian Haney Lopez on Race-Class Praxis – Election 2020: UC Berkeley Big Ideas. Oct. 28, 2020. [1:50:07]. Available at: <https://www.youtube.com/watch?v=hrMQpgiC26E>

Histories of Racism

- [VIDEO] *Racism: A History* (Part 1)
An amazing 3-part documentary on the history of Racism, featuring a series of leading scholars, including those inspired by Foucault’s genealogical method. Available on YouTube [in both shorter and full versions. the longer of which at: <https://www.youtube.com/watch?v=jqrt7ieJ-I>
- [VIDEO] UC Berkeley Events, *Berkeley Conversations: Race: The Power of an Illusion: The House we live in (Part III)* [59:32]. Oct. 9, 2020. Available at: <https://www.youtube.com/watch?v=sgPsHm95NYo&t=736s>
- [VIDEO] The Truth About Confederacy in the United States [1:40:44] https://www.youtube.com/watch?v=LC6vc_jMGxE

- Jeffery Robinson, the ACLU’s racial justice expert, discusses the dark history of Confederate symbols across the country and outlines what we can do to learn from our past and combat systemic racism.
- An excellent public event/lecture, opening with Mohamed Ali’s riff on whiteness; the need to deal with the history of racial oppression NOW; this naked lunch moment and the need to look what is true now; Haney Lopez Dog Whistle Politics

The Social Construction of Gender; the [Religious] ‘turn’ against gender: Judith Butler

- [VIDEO] Makerere Institute of Social Research, “Judith Butler - Who is Afraid of Gender ?” June 11, 2020. Available at: <https://www.youtube.com/watch?v=cqc3uCold08> [2:07:59]
 - The idea of the social construction of gender – as freedom to choose it; Opposition of religious institutions, the Vatican, to proposition that ‘gender is a social construct’; as threat to family, society, and civilization itself.
 - Conversation / Questions with Discussants following and discussion by Butler
- [VIDEO] Heartland Festival, “Heartland Future Talks 2019: Judith Butler. What is the future of gender politics?” September 26, 2019. Available at: https://www.youtube.com/watch?v=QHLSYN_c1xs&t=613s
 - Aiming for a world of gender equality; beyond the pathologization of homosexuality; a world free of shame over desire

Books about Race: a casual overview

- [VIDEO] Chronicles of Noria, 20 Books About Race You Should Be Reading [32:59] 4, 2020. Available at: <https://www.youtube.com/watch?v=zmlub8MBHMU>

2. Jan. 10 - 12

Law and Sex in the Ancient World

Patriarchy, Misogyny and the Christian Foundations

- James Brundage, “Introduction” and Chapter 1, “Law and Sex in the Ancient World,” from his book, *Law, Sex, and Christian Society in Medieval Europe*. Chicago: University of Chicago Press, pp. 1-50. [pdf posted on Brightspace]
- John Boswell, “Rome: The Foundation,” in *Christianity, Social Tolerance and Homosexuality*. Chicago: University of Chicago Press, pp. 61-87. [pdf posted on Brightspace]
 - These admittedly dry readings aim to lay some historical foundation for the legal [i.e., state’s] regulation of sexuality and its regime of [monogamous] relationship recognition [via the sanctioning of marriage and positioning around prostitution]
 - Social hierarchy, slavery, patriarchal formations
- Tertullian. “On the Apparel of Women.” Trans. Rev. S. Thelwall. [writings are dated roughly between 127-220 AD]. Available at: <http://www.earlychristianwritings.com/text/tertullian27.html>
 - Early Christian Misogynist ideas of modesty, abstinence, avoidance, shame

3. Jan. 17 – 19

Christianity and Sexual Regulation

a) Christianity and Sexuality: A Brief History

- Merry Wiesner-Hanks, “Introduction,” and “Christianity to 1500,” from her book, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice*. NY: Routledge, pp. 22-57. [on Brightspace]

b) Ontario’s Sex Education Controversy

- [VIDEO] Ontario’s Sex-Ed controversy: Everything you need to know. [August 14, 2018] [2 mins]. Available at <https://www.youtube.com/watch?v=o23cjaRP4Lk>
 - Provides a succinct overview of Kathleen Wynne’s [initially as Liberal Education Minister, under Dalton McGuinty, and later as Premier] 2015 reforms to sex education curriculum.
- [VIDEO] Ontario’s Sex Education Policy. CBC News. 2015 [14:40 mins] <https://www.youtube.com/watch?v=YYyV3os2w2M>
 - Author Michael Coren and President of Canada Christian College Charles McVety debate Ontario's proposed sex education curriculum.
 - [Social conservatives’ protests over proposed curriculum changes, which aim to include consideration of gender identity and gender diversity, same-sex education, and masturbation, based on 1998 curriculum
- [VIDEO] What’s Happening with Ontario’s Sex-ed curriculum Changes, CBC News [July 16, 2018] [8:41 mins] Available at: <https://www.youtube.com/watch?v=39tj5vopbck>
 - On Doug Ford's Ontario governments announcement that Ontario will return to 1998 sex education curriculum
 - Doug Ford had campaigned on promises [to revert back to a 1998/2014] curriculum.
 - Discussion of Ford’s commitment to ‘paying back’ social conservatives what exactly was changed is still up for debate.
- [VIDEO] Ontario releases revised sex-ed curriculum. CBC News August 21, 2019 [7:52] Available at: <https://www.youtube.com/watch?v=nfWRwgqL4F0&t=93s>
 - On Ford’s proposed curriculum changes, which ultimately had few changes, despite the protests, struggles with teaches, threats of penalties to teachers who refuse to revert back to 1998 curriculum, as directed by Ford.
 - How this is all about ‘playing politics’ with children’s education, to satisfy the social conservative base

Additional Resources for discussions and assignments:

- Margaret Denike, “Religion, Rights and Relationships: The Dream of Relational Equality,” *Hypatia* 22:1 (2007), pp. 71-91. [available via Library access; pdf posted on Brightspace]

- [VIDEO] The Atheist Experience, “Religious Dog Whistles,” April 25, 2019. [16 mins]. Available at: <https://www.youtube.com/watch?v=Ax5Jd9sC-CU>
- [VIDEO] Committee, The Administration’s Religious Liberty Assaults on LGBT Rights,” February 27, 2020. [3:30:31]. Available at: <https://www.youtube.com/watch?v=CzBnwhxJa84>
 - Committee Hearings on Trump administration’s undermining of vital protections for LGBTQ rights
 - Using ‘Religious Liberty’ to deny services [including in amicus briefs, agency guidance regulations.
 - This Committee Session includes Rep Ocasio-Cortez’s speech on personal faith and use of Religious Freedom to justify bigotry, which you will find separately at: https://www.youtube.com/watch?v=Upa2Rk_Y1Z0
 - Weaponizing scripture to justify bigotry
 - There is nothing holy about denying medication
 - The only time religious freedom is invoked is to justify bigotry and discrimination
- [VIDEO] *The Virgin Daughters*. Available at TopDocumentaryFilms.com at: <http://topdocumentaryfilms.com/virgin-daughters/> (2008) [48 mins]
 - On the annually organized ‘purity balls’
- [VIDEO] *Give Me Sex Jesus*. Available at <https://vimeo.com/137784146> (1:26:00)
 - “What happens when a generation of Christian youth pledge sexual abstinence until marriage? Since the 1990s, the Purity Movement has been at the center of the national sexual conversation extending past the pew and all the way into the Oval Office. Including some of the leading experts on Evangelicalism today, Give Me Sex Jesus invites you into the guilt, pleasure, shame, and humor of sorting out faith and sex in America.
- [VIDEO] Imagine Dragons, “Believer – Full Documentary” [1:43:01]. May 24, 2019. Available at: <https://www.youtube.com/watch?v=Ex0CN9DRwN8&t=4s>

4. Jan 24 – 26

Ideologies of Marriage and the Colonization of Relationship Recognition

a) Monogamy in Canadian History

- Sarah Carter, “Creating, Challenging, Imposing, and Defending the Marriage “Fortress,” Ch. 1 of her book, *The Importance of Being Monogamous: Marriage and Nation building in Western Canada*. Edmonton: Athabasca University Press. 2008. Pp. 2-16
 - [available online through Dal Library; also available through OpenAccess]
- Sarah Carter, “Customs Not in Common: The Monogamous Ideal and Diverse Marital Landscape in Canada,” Chapter 2 from her book, *The Importance of Being Monogamous: Marriage and Nation building in Western Canada*. Edmonton: Athabasca University Press. 2008, pp. 18-60.
 - [available online through Dal Library; also available through OpenAccess]

- [VIDEO] Colombia Learns, *History of Marriage with Nancy Cott* [11:34 mins]. July 2017. Available at: <https://www.youtube.com/watch?v=7e0Rh7d08-A>

b) The Criminalization of Polygamy in Canada

- Statement of the BC Attorney General. 2010.
<http://stoppolygamyincanada.files.wordpress.com/2010/11/statement-of-agbc.pdf>
- Bill S -7: Zero Tolerance on Barbaric Cultural Practices [2015]
- METRAC, *Submission by METRAC: Action on Violence to the House of Commons Standing Committee on Citizenship and Immigration Re: Bill S-7*. Ottawa. May 2015. Available at: <http://owjn.org/wp-content/uploads/2016/10/metrac-submission-commons-bill-s-7.pdf>

Additional Recommended Reading:

- Decision of the BC Supreme Court (Nov. 2011): <http://www.courts.gov.bc.ca/jdb-txt/SC/11/15/2011BCSC1588.htm>: you are not expected to read all of this, but please glance at it to get a sense of what a reference case might look like. Read the first section (paragraphs 1-32) and the concluding disposition (paragraphs 1358-1367)
- Martha M. Ertman, “They Ain’t Whites, They’re Mormons: An Illustrated History of Polygamy as Race Treason,” University of Maryland School of Law Legal Studies Research paper No. 2008-37 (October 2008). Available at: <http://ssrn.com/abstract=1270023>
- Nancy Cott, “An Archeology of Modern Monogamy,” in *Public Vows: A History of Marriage and Nation*. Cambridge: Harvard UP: 2000, pp. 9-23.
- [VIDEO] Hall Centre, *Grooming Citizens: Marriage and Civic Status in U.S. History, Nancy Cott*. [1:25:45 Note: Cott begins speaking at 10:35]. April 14, 2017. Available at: <https://www.youtube.com/watch?v=f7MU5PctLJw>
- M. Denike, “The Racialization of White Man’s Polygamy,” *Hypatia* 25:4 (Fall 2010), pp. 852-874.
- Amy Kaufman, “Polygamous Marriages in Canada,” *Canadian Journal of Family Law*, Vol. 21 (2005), p. 213.
- [VIDEO] The Agenda with Steve Palkin, *Indigenous views of Canada 150; First Nations Female Chiefs*. [28:21]. June 28, 2017. Available at: <https://www.youtube.com/watch?v=NKycqfXIKOg>

5. Jan 31 -Feb 2

Analytical Frameworks of Race, Sex, and Class

a) Critical Race Theory and The Social Construction of Race

- Ian F. Haney Lopez, “The Social Construction of Race,” in Richard Delgado, ed. *Critical Race Theory: The Cutting Edge*. Philadelphia: Temple University Press, 2013, pp. 191-203. Available at: <https://blogs.brown.edu/chscholars/files/2018/07/HaneyLopez-SocialConstructionOfRace.pdf>
 - Clear, short concise article elucidating a social constructionist definition of race, racial difference – including for white people
 - introductory case [of the arbitrary / stereotype-based definition of race imposed by the judge in an early case [*Hudgins v Wright*], determine the ‘freedom’ of three generations of women: demonstrates the role of law in reifying racial identity
- [VIDEO] Duke University Law School, “Ian Haney Lopez, Race and The Law.” May 7, 2021. [1:07:08]. Available at: <https://www.youtube.com/watch?v=conBLMDpiM0&t=1686s>
 - Interview Q&A begins with the social construction of Race
 - Colour blindness; Obama as ‘post racial’; Trump as a strategic racist
 - Dog whistle: triggering racist stereotypes while getting people to think they are not racist; the overarching threat of plutocracy; racial division
- Cady Lang, “President Trump Has Attacked Critical Race Theory. Here’s What to Know about the Intellectual Movement,” *Time*. September 29, 2020. Available at: <https://time.com/5891138/critical-race-theory-explained/>
 - Brief news story that includes a video clip from Trump’s talk, targeting this ‘Marxist doctrine’ ...that is forced on children, and to rip apart friends, neighbours and families...; teaching shame about their history
- Janel George, “A Lesson on Critical Race Theory,” American Bar Association, *Human Rights Magazine* 46:2 [Jan 11, 2021]. [2 pages] Available at: https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/civil-rights-reimagining-policing/a-lesson-on-critical-race-theory/
 - Very brief overview of CRT principles and steps taken by Trump’s Executive Order, prohibiting diversity training

Additional Recommended Reading

- Gross, Ariela J. "Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South." *Yale Law Journal*, vol. 108, no. 1, October 1998, p. 109-188. HeinOnline.
 - Complements and elaborates on Ian Haney Lopez’s “The Social Construction of Race”

- Richard Delgado and Jean Stefancic, “Critical Race Theory Today,” Chapter 7 from their book, *Critical Race Theory: An Introduction*. Third Edition. NY: NY University Press, 2017, pp .113-151. Available online via Novanet Library Access.
- Bell, Derrick A. "Who's Afraid of Critical Race Theory." *University of Illinois Law Review*, vol. 1995, no. 4, 1995, p. 893-910. HeinOnline. [accessible through your Novanet library access]
- Delgado, Richard, and Jean Stefancic. "Critical Race Theory: An Annotated Bibliography." *Virginia Law Review*, vol. 79, no. 2, March 1993, p. 461-516. HeinOnline. [accessible through your Novanet library access]
- Char Adams, “How Trump Ignited the fight over Critical Race Theory in Schools,” NBC News. May 10, 2021. [2 pages] Available at: <https://www.nbcnews.com/news/nbcblk/how-trump-ignited-fight-over-critical-race-theory-schools-n1266701>
- UCLA Law, “Biden Reverses Trump’s Executive Order Banning Diversity Training” Available at: <https://law.ucla.edu/news/biden-reverses-trump-executive-order-banning-diversity-training>. March 17, 2021. (1 page)

b) Intersectionality and the Significance of Alliance

- Catharine MacKinnon, “Intersectionality as Method: A Note,” *Signs*. Vol 38, no. 4 (Summer 2013) pp. 1019-1030. [Available through library access]
- Abby L. Ferber, “Keeping Sex in Bounds,” from Abby L. Ferber, Kimberly Holcomb and Tre Wentling, eds. *Sex, Gender and Sexuality: The New Basics*. NY: Oxford University Press, 2013. Pp. 92-99.
- [VIDEO] Kimberle Crenshaw, in conversation with Laura Saunders, “What does Intersectionality Mean to Movements” <https://www.youtube.com/watch?v=9dcj5tegl7I>
 - #sayhername

Additional Recommended Resources

- Crenshaw, Kimberle. "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." University of Chicago Legal Forum, 1989, 1989, p. 139-168. HeinOnline.
- Judith Butler, interviewed by Owen Jones. “Feminist Icon Judith Butler on JK Rowling, trans rights, feminism, and intersectionality, January 1, 2021. [59 mins]. Interview with Judith Butler. Available at: <https://www.youtube.com/watch?v=tXJb2eLNIJE>

- Catherine Powell, "Race, Gender, and Nation in an Age of Shifting Borders: The Unstable Prisms of Motherhood and Masculinity," *UCLA Journal of International Law and Foreign Affairs* 24, no. 1 (Spring 2020): 133-162
 - “The contributions that critical race theory scholars have made to the literature on nation, borders, and sovereignty have become even more salient in the Age of Trump. However, what remains undertheorized is how gender intersects with race in the legal construction of nation and borders. In particular, this Article analyzes two common tropes in the current immigration debate-the "welfare cheat" and the "criminal"-to demonstrate how these narratives shape legal constructs of nationhood and borders as both raced and gendered.”
 - A potential reference for ‘dog whistle’; work of Leti Volpp, Kerry Abrams and other contemporary theorists
 - This is also a helpful resource as a theoretical framework for the critical gender and race analysis of citizenship and nationality
- Houh, Emily, A Genealogy of Intersectionality (October 15, 2021). Oxford University Press Handbook on Law and Feminism, Forthcoming, Available at SSRN: <https://ssrn.com/abstract=3951893>
- Crenshaw, Kimberle. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review*, vol. 43, no. 6, July 1991, p. 1241-1300. HeinOnline.
 - Although racism and sexism readily intersect in the lives of real people, they seldom do in feminist and antiracist practices. And so, when the practices expound identity as woman or person of color as an either/or proposition, they relegate the identity of women of color to a location that resists telling. My objective in this article is to advance the telling of that location by exploring the race and gender dimensions of violence against women of color

6. Feb 7 – Feb 9

a) The Force of Law and the Colour of Slavery

- Ashton Wesley Welch, “Law and the Making of Slavery in Colonial Virginia,” *Ethnic Studies Review* (2004) 27:1, pp 1-22. Available via google at: <https://scholarscompass.vcu.edu/cgi/viewcontent.cgi?article=1210&context=esr>
 - Note: there are some issues with the [unrefined] quality of this article, but its content and organization will none the less enable a fruitful discussion
- [VIDEO] The New School, *The Story of American Slavery: Documentary on How Slavery Dominated America [2015] [1:22:49]*. Available at: <https://www.youtube.com/watch?v=shm3CtkmNig>
 - The ‘American Institution’; formed of divisions imposed among indentured labour; the legal basis for the tyranny of white domination; construction of slave identity

b) The Invention of the White Race: White Supremacy as a Matter of Law

- [VIDEO] Jacqueline Battalora, Birth of a White Nation: <https://www.youtube.com/watch?v=TM6ehzu3p4c>
- Here is a fabulous lecture on the invention of ‘whiteness’ in colonial US; the division of race and the laws that helped enforce patriarchal white supremacy. Consider this as an extension of the idea that inform the ‘invention’ of sexuality (according to Foucault). Conditions of the Emergence of ‘white people’ after 1681; refutes any claims to the ‘biological’ roots of white people; “white supremacy has been embedded in US as a matter of [foundational] law.”
- Basic argument: the invention of ‘white’ was a way of dividing the working class and poor, to create a new bottom.

Additional Recommended Resources

- Cheryl Harris, “Whiteness as Property,” *Harvard Law Review* 106:8 (June 1993). Pp. 1710-1793.
 - A detailed historical, legal analysis of the convergence of the concepts of whiteness and property
 - Recommended by David Roediger as one of the most important scholarly contributions/critical analyses on racism in the 1990s
- Historical Document: Colonial laws. Available at: <https://www.pbs.org/wgbh/aia/part1/1h315.html>
 - The shift from indentured servitude to racial slavery in the British colonies is evident in the development of the colonies' laws.
 - Virginia, 1639: The first law to exclude "Negroes" from normal protections by the government was enacted.
 - Maryland, 1664: The first colonial "anti-amalgamation" law is enacted (amalgamation referred to "race-mixing"). Other colonies soon followed Maryland's example. A 1691 Virginia law declared that any white man or woman who married a "Negro, mulatto, or Indian" would be banished from the colony forever.
 - Virginia, 1667: Christian baptisms would no longer affect the bondage of blacks or Indians, preventing enslaved workers from improving their legal status by changing their religion.
 - Virginia, 1682: A law establishing the racial distinction between servants and slaves was enacted.
 - Theodore Allen, *The Invention of the White Race. Vol 2: The Origin of Racial Oppression in Anglo-America*. Part I, pp. 5-45. Available online [although marked/highlighted] at: <https://msu.edu/course/ams/285/allen1.pdf>
 - Relates the invention of the ‘white race’ [and the category of ‘white’ as a racial category to the labor crises [and dependence on indentured servants as ‘chattel’ / property] in 17th century Virginia, and specifically to the plantation elite

7. Feb 14 – 16

Contesting Histories of Freedom Colonial Slavery and the Foundations of ‘America’

a) The 1619 Project and the Legacy of Slavery

- Nikole Hannah-Jones, “Introduction: The 1619 Project,” *New York Times*. August 18, 2019, pp. 14-22.
- This is the introductory essay to an issue of the *New York Times* magazine, for which all contributing essays are part of the ‘1619 project’. [You are welcome to use any of the contributing essays for your assignments] [available via your Library access]
- [Video] PBS Newshour, “The 1619 Project Details the History of Slavery in America,” August 18, 2019. [15 mins]. Available at:
<https://www.youtube.com/watch?v=Q14BTdS6BRc>

b) Story Telling and the Shame of National Identity

- Frederick Douglass. “What to the Slave is the 4th of July?” [1852]. Available at:
https://liberalarts.utexas.edu/coretexts/_files/resources/texts/c/1852%20Douglass%20July%204.pdf
 - American History: slavery and moments to white supremacy
- Adam Serwer, “The Fight over the 1619 Project is not about the Facts,” *The Atlantic*. December 23, 2019. Available at:
<https://www.theatlantic.com/ideas/archive/2019/12/historians-clash-1619-project/604093/>
- [VIDEO] Hot97, “Breaking Down the 1619 Project & History of Slavery if America with Nicole Hannah-Jones.” August 23, 2019. [32 mins]. Available at:
<https://www.youtube.com/watch?v=RrMRiU5Xhz4>

Additional Recommended Reading

- [VIDEO] History of Race in America – Jeffrey Robinson [1:20:46]
<https://www.youtube.com/watch?v=sEtyPIO6P1E&t=1210s>
- History of Race in America[and the future of monuments] presented by Jeffery Robinson, Deputy Legal Director and Director of the Trone Center for Justice and Equality, American Civil Liberties Union Race Matters: The Impact of Race on Criminal Justice
- An excellent talk by Jeffrey Robinson: What America is about: Slavery, confederacy, monuments, lynching, white supremacy as foundational; segregation and redlining
- American History: slavery and moments to white supremacy

8. Feb 21 – 23 Winter Break

**9. Feb 28 – Mar 2
Legacies of Slavery**

a) Jim Crow: Segregation, Lynching and their Legacies

- Michelle Alexander, Chapter 1: The Rebirth of Caste, from her book, *The New Jim Crow: Mass Incarceration in the Age of Color Blindness*, New York: The New Press, 2011, pp. 20-58. Available at: https://www.vanderbilt.edu/ctp/The_New_Jim_Crow.pdf
- [VIDEO] The University of Chicago, “The New Jim Crow – Author Michelle Alexander,” March 15, 2013. [1:10:13]. Available at: <https://www.youtube.com/watch?v=Gln1JwDUI64>

b) Capital Punishment as Legal Lynching

- Timothy V. Kaufman-Osborn, “Capital Punishment as Legal Lynching?” in Charles J. Ogletree, Jr. and Austin Sarat, eds., *From Lynch Mobs to the Killing State: Race and the Death Penalty in America*. New York: New York UP, 2006, pp. 21-54. [Brightspace]

Additional Recommended Resources

- Robin Wiegman, “The Anatomy of Lynching,” *Journal of the History of Sexuality*. Vol 3, No. 3 (1993) pp. 445-467
- Holden-Smith, Barbara. "Lynching, Federalism, and the Intersection of Race and Gender in the Progressive Era." *Yale Journal of Law and Feminism*, vol. 8, no. 1, 1996, p. 31-78. HeinOnline.
- Proffit, Joseph Edwin. "Lynching Its Cause and Cure." *Yale Law Journal*, vol. 7, no. 6, 1897, p. 264-267. HeinOnline
- Harris, Angela P. "The Jurisprudence of Reconstruction." *California Law Review*, vol. 82, no. 4, July 1994, p. 741-786. Available on HeinOnline, through your library access
- [VIDEO] See Black See Power, *Slavery by Another Name* [2014] [1:24: 56] <https://www.youtube.com/watch?v=UcCxsLDma2o>
 - covers the period following the Emancipation Proclamation, and abolishment of slavery
 - after Civil War, commitment to freedom; reconstituting families
 - formation of vigilante groups
 - reconstruction
 - 1866: 14th Amendment
 - Following the Emancipation Proclamation, quest for Black Independence
- Zier, Magdalene. "Crimes of Omission: State-Action Doctrine and Anti-Lynching Legislation in the Jim Crow Era." *Stanford Law Review*, vol. 73, no. 3, March 2021, p. 777-820. HeinOnline.

10. Mar 7 - 9

Chinese Exclusion and National Identity

a) Chinese Exclusion and the Federalization of Immigration Law

- Kerry Abrams, "Polygamy, Prostitution, and the Federalization of Immigration Law," *Columbia Law Review* 105:3 (2005), pp. 641-716.
- When Congress banned the immigration of Chinese prostitutes with the Page Law of 1875, it was the first restrictive federal immigration statute. Yet most scholarship treats the passage of the Page Law as a relatively unimportant event, viewing the later Chinese Exclusion Act as the crucial landmark in the federalization of immigration law.
- This Article argues that the Page Law was not a minor statute targeting a narrow class of criminals, but rather an attempt to prevent Chinese women in general from immigrating to the United States. Most Chinese women migrating to the United States in the early 1870s were prostitutes or second wives in polygamous marriages. Congress feared the unorthodox Chinese practices of polygamy and prostitution, believing that these customs were reflective of an underlying slave-like mentality that rendered the Chinese unfit for democratic self-governance. By identifying and excluding Chinese women as prostitutes, the law prevented the birth of Chinese American children and stunted the growth of Chinese American communities.

b) The Chinese Head Tax in Canada

- [VIDEO] Canadian Apartheid: The Chinese Head Tax and Racism's Legacy Mar. 24 2018 [5 mins]. Available at: <https://www.youtube.com/watch?v=gkkpHpFV6oE>
 - An uncomfortable history of racism in British Columbia and Canada needs to be confronted if we are to truly grasp the way our past has shaped us, and to move past prejudices.
- [VIDEO] Vancouver Sun, *Canadian Apartheid: Chinese Head Tax and Racism's Legacy* [4:58]. March 28, 2018. Available at: <https://www.youtube.com/watch?v=gkkpHpFV6oE>
- [VIDEO] The Activist Network, ACCESS: Hanson Lau with Sid Tan – Chinese Head Tax Exclusion Redress [11:19] May 21, 2016. Available at: https://www.youtube.com/watch?v=Gu_Zz3rqHu0
- [VIDEO] American Experience PBS, *The Chinese Exclusion Act* [9:15]. May 29, 2018. Available at: <https://www.youtube.com/watch?v=FbBatK7JWYc&t=82s>

Additional Recommend Resources

- Johnson, Kevin R. "Race, the Immigration Laws, and Domestic Race Relations: A Magic Mirror into the Heart of Darkness." *Indiana Law Journal*, vol. 73, no. 4, Fall 1998, p. 1111-1160. HeinOnline.
 - Chinese exclusion, Japanese internment, 'illegal aliens'
 - Reinforcing the subordinated status of immigrants

- Why immigrants of colour are social scapegoats
- [VIDEO] Committee 100, *Chinese Exclusion and the U.S. Congress: A Legislative History* [2014] [34:26] Available at: <https://www.youtube.com/watch?v=Zmse6QwI5EU>
 - As a legislative history of the Chinese Exclusion Act of 1882, Martin Gould provides a fabulously informative, though rather dense, and detailed overview of the severe anti-Chinese political movements and initiatives and political positioning, that sought and extended the exclusion of Chinese from naturalization
 - Tracks the economic context; positions of individual congressmen; with democrats FOR exclusion, and Republicans opposing it.
 - While rushed through the House, when the *Act* was before the Senate only [Hoar] one of the 77 Senators opposed ‘as fundamentally against the principles of this nation.
 - Not just exclusion from immigration, but from naturalization; voting.
 - It is not until 1943, when US is in alliance with China against Japan, that the *Act* is repealed.]
 - 2012: House of Reps Resolution 683 [initiated by Congressman Judy Chu] Expressing regret, across party lines, for the first time in 130 years, expressing regret for the *Act*, approved unanimously.
 - Closes on a reflection on the **monument** /statue to Senator Hannibal Hamlin [Rep-Maine 1879 who opposed the *Act*] outside the US Hall of Representatives in Maine
- [VIDEO] *United States v Wong Kim Ark*: the Chinese Exclusion Act 1898. Available at: <https://www.youtube.com/watch?v=6y487b7mQj0> [2 mins]
 - *Despite* the Exclusion act, this 1898 test case establishes right of naturalization for U.S. born children, including for all children of immigrants. He was born of Chinese immigrants; had made several trips, but had been stopped by John Wyse in 1894]
 - US SC agreed that un 14th Amendment, like any other citizen Wong Kim Ark, is a US citizen.
- [VIDEO] Hip Hughes, “The Chinese Exclusion Act Explained: US History Review. July 14, 2015. [6 mins] Available at: <https://www.youtube.com/watch?v=JOGljSI0FrM>
- [VIDEO] South Florida PBS, YSF – Chinese Exclusion Act. May 18, 2018 [9:31]
 - Mention of Donald Trump’s Anti-Muslim ‘ban’
 - Links to labour shortages; pandemic fears;
 - Context of the nation’s struggles with its identity

11. Mar 14 – 16

Challenging Sex Discrimination in the *Indian Act*

- [VIDEO] The *Indian Act* Explained. The Agenda with Steve Palkin [25 mins] Available at: <https://www.youtube.com/watch?v=OhBrq7Ez-rQ>
 - Interview with Bob Joseph, author *21 Things You May Not Know About the Indian Act*
 - Assimilation policy

- Bill C-31: removed the discriminatory provisions of the Act that had stripped Indian women of status, if marry white men
 - Establishment of reserves; assignment of European names by ‘Indian Agents’; Restriction on Mobility [off reserve, over 30 days resulting in penalties of loss of status]
 - Expropriation of land; loss of status for those pursuing university education; prohibition of participation in the economy; prohibition on political organization
- [VIDEO] Canada is an Outlaw: Sex Discrimination continues in the Indian Act. Pam Palmater June 13, 2019 [18:21] Available at:
<https://www.youtube.com/watch?v=eOuLsGhMRh4>
- The goal of the Act: to legislate Indians out of existence, by targeting Indian women
 - Loss of First Nations’ women’s status
 - Jeanette Lavelle and Yvonne Bedard, suing Canada under the Bill of Rights
 - Sandra Lovelace: case before the UN International Human Rights Committee, who built on Lavelle and Bedard’s loss
 - Bill C-31 as effort to revise Indian Act. However, those who had loss status had not been reinstated, and if reinstated, still subject to a hierarchy of recognition
 - Sharon McIvor challenged this, denied leave to appeal to the SCC; appealed to the UN, which decides in her favor: that there is ongoing discrimination; required Canada to bring revisions into force.
- [VIDEO] BearPaw Media and Education, Reclaiming Indian Status. Available at:
- https://www.youtube.com/watch?v=hvtBprodm_o [May 4, 2020] 31:57
 - Overview of changes to the Indian Act’s discriminatory provisions
 - Changes made to the IA in 1985 [under Bill C-31]
- [VIDEO] Canada’s State of Emergency – Pamela Palmater. Available at:
<https://www.youtube.com/watch?v=lrd4848Q064>
 - The repercussions of a colonial past are still ever present among the aboriginal communities in Canada. Through her talk, "Canada’s State of Emergency and How We Can Protect our Collective Futures", Pamela Palmater speaks about the impact that the modern lifestyle has had on the environment and the way the hundreds of years of colonial history within Canada are still echoing today. She discusses solutions to moving together in solidarity with one another for a world that cares for the land, one another and future generations. Pamela aims to unroot the echoes of the past by shedding new light on matters concerning her research.
 - Under Harper, the government is at war with its people.
 - Missing and murdered aboriginal women
 - Environmental health crises impact communities
 - Climate change, contaminated word; life and death impact of policies
 - Human rights under attack; critical assessments by International Rights bodies
 - Idle no More movement; the necessity of taking action

Additional resources

- [VIDEO] The *Indian Act* and What to do with it. The Agenda with Steve Palkin May 30, 2019 [32 mins] Available at: <https://www.youtube.com/watch?v=OC9fRBk7rZk>
 - Panel of four Canadian Aboriginal speakers/advocates/leaders
 - Discussion of specific sections of the Act and its fundamental purpose [of assimilation]
 - Need for options first nations-led alternatives
- FAFIA, “The Government Must End Sex Discrimination in the Indian Act Now,” Campaign ‘Any Given Tuesday’ to pass Bill S-3. Available at: <http://fafia-afai.org/en/solidarity-campaign/#tab-3>
- FAFIA, Letter to Prime Minister and Ministers to Implement UN HR Committee’s Ruling to End Sex Discrimination in the Indian Act (March 27, 2019). Available at: <http://fafia-afai.org/wp-content/uploads/2019/03/Letter-to-Trudeau-re-Indian-Act-March-27-2019FINAL.pdf>
- Jennifer Greens, “Indian Status could be extended to Hundreds of Thousands as Bill S-3 Provisions come into Force,” CBC News. August 15, 2019. Available at: <https://www.cbc.ca/news/indigenous/bill-s-3-indian-act-sex-discrimination-1.5249008>
 - Sharon McIvor pleased with passage of Bill; concern re delays in implementation
 - Crown-Indigenous Relations and Northern Affairs Canada, “Statement,” First Anniversary of the Elimination of Sex-based inequalities in the Indian Act (August 14, 2020). [google]

12. Mar 21 - 23

Sex Equality, Sexual Orientation and the Constitution

a) White Women’s Suffrage

- Thomas Jefferson, *Declaration of Independence*. In Congress, July 4, 1776. [2 pages]. Available at: <https://www.archives.gov/founding-docs/declaration-transcript>
- Elizabeth Cady Stanton. “Declaration of Sentiments” [Seneca Falls 1848]. Available at: <https://www.nps.gov/articles/declaration-of-sentiments.htm>
 - Which includes the link to the Declaration itself at: <https://www.nps.gov/wori/learn/historyculture/declaration-of-sentiments.htm> [2 pages]
- Sojourner Truth, “Ain’t I a Woman?” Speech delivered Convention in Akron Ohio in 1851. Available at:
 - https://thehermitage.com/wp-content/uploads/2016/02/Sojourner-Truth_Aint-I-a-Woman_1851.pdf
- [VIDEO] Vox. *When voting rights didn't protect all women* [Aug 26, 2020]
 - On this landmark 100th anniversary of women’s suffrage, historians Martha S. Jones and Daina Ramey Berry reflect on what the 19th Amendment means for Black American women.
 - The women’s suffrage movement was a predominantly white cause, one that sacrificed the involvement of Black suffragists in return for support for the 19th

Amendment from Southern states. The 1920 legislation enfranchised all American women, but it left Black women, particularly those living in the South, to fight racial discrimination when registering to vote and going to the polls. It wasn't until the Voting Rights Act of 1965 that this type of racial discrimination was prohibited by federal law.

- Alludes to contemporary practices that effectively exclude people of colour from polls, including voting ID requirements, purging of voting rolls, closing polling places: ie exclusion conducted through seemingly neutral laws
- [VIDEO] Untold stories of Women during the Women's Suffrage Movement [Feb 14, 2020] [9 mins]. Available at:
 - <https://www.youtube.com/watch?v=Br6b9sIuIDU> [9 mins]
 - Focus on Ida B Wells
 - Women's suffrage, racism within the movement
- [VIDEO] The History of Black Women & The 19th Amendment: Examining Racism Among Suffragettes | NBC News NOW. Aug 18, 2020. Available at: <https://www.youtube.com/watch?v=SttQgH8XsW0> [9 mins]
 - Exclusion, racism and misrepresentation of the suffrage movement
 - "NBC News' Trymaine Lee breaks down the ways in which the 19th Amendment was mostly a victory for white women and left many Black women behind.

b) Sexual Orientation and Legal Reform in Canada

- CBC News: Timeline: Same Sex Rights in Canada. May 25, 2015. Available at: <https://www.cbc.ca/news/canada/timeline-same-sex-rights-in-canada-1.1147516>

Additional Resources:

- Christy M. Glass & Nancy Kubasek, The Evolution of Same-Sex Marriage in Canada: Lessons the U.S. Can Learn from Their Northern Neighbor Regarding Same-Sex Marriage Rights, *Michigan Journal of Gender & the Law*, 15, p. 143 (2008). Available at: <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1077&context=mjgl>
 - Resourceful detailed comparative study of the history of the legalization of same sex marriage in Canada, and separately the US; Backlash, DOMAs
- Chris Geidner, 'The Court Cases that Changed LGBTQ Rights,' *New York Times*, June 19, 2019. Available at: <https://www.nytimes.com/2019/06/19/us/legal-history-lgbtq-rights-timeline.html>
- Lucas Ramon Mendos, Kellyn Botha, Rafael Carrano Lelis, Enrique López de la Peña, Iliia Savelev and Daron Tan, *State-Sponsored Homophobia 2020: Global Legislation Overview Update* (Geneva: ILGA, December 2020). Available at: https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf
 - Complements the ILGA world map of sexual orientation laws
 - Focus on legal issues, providing data and tools for advocacy via international human rights bodies and case law in UN member states, international human rights bodies
 - Summaries of the state of affairs in countries where homosexuality is criminalized

- Footnotes provide an excellent resource for current research and data

13. Mar 28 – 30

Advancing Sexual Rights. Homophobia in Politics

a) Sexual Rights and International Law

- Walker, Kristen. 2000. “International Law Weekend Proceedings: Evolving Human Rights Norms around Sexuality,” 6 *ILSA Journal of International and Comparative Law*, pp. 342-353. Available at: <http://www.heinonline.org/HOL/Page?handle=hein.journals/ilsaic6&id=353&type=text&collection=journals>
- The International Commission of Jurists, *Sexual Orientation, Gender Identity, and Justice*, Introduction, pp. 1-14. Report available at: <http://www.icj.org/dwn/database/Sexual%20Orientation.%20Gender%20Identity%20and%20Justice-%20A%20Comparative%20Law%20Casebook%5B1%5D.pdf>

b) Outrage: Homophobia, Politics, Outing

Note: the only place I could find free access to this incredible U.S.-based documentary was through this international/German site. Here’s hoping it remains accessible....

- [VIDEO] *Outrage* (2009). Documentary directed by Kirby Dick. Available at: <https://www.youtube.com/watch?v=gj0OpgAs2rE> (1:27:00)
 - An excellent documentary that tracks closeted gay politicians that consistently vote against gay rights.
 - Blogger Michael Rogers outing of gay politicians who lead ‘double lives’ as gay men who publicly oppose gay rights
 - Barney Frank, Charlie Crist

Further Recommended Resources: these may be used for your assignments

Whiteness Studies: Resources on Invention of the White Race

[VIDEO] World Channel, “How America Invented Race” July 2020.

https://www.wgbh.org/programs/2020/07/06/the-history-of-white-people-in-america-episode-one-how-america-invented-race?fbclid=IwAR3RRr46H8rMPBXd5ndUrkmBEut49_Iaf-H4waXP_mfDbREil23jwhfyvLo

- A student from my last class shared this link/resource with me. It is a video version of a graphic novel/spoken word presentation, which in three 8-10 minute segments recounts the invention of the black-white race distinction, and the ascendance of white power. t

A Systems Approach to Racism

- Strand, Palma Joy, This Is the House that Law Built: A Systems Story of Racism (October 18, 2021). San Diego Law Review, Forthcoming, Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3953805
 - A long, dense and helpful overview/resource on ‘systems racism’ – the role of law in the creating the system that racism is; limitations of law in addressing; need for collective systems story telling
 - Applies Donella Meadows definition to ‘systems’ approaches to structural racism; social/legal construction of race. This covers a **lot of ground** and clarifies ways to think with --and apply-- the ideas, approaches, examples, and practices of scholars and cases covered in this course
 - “Viewing racism through a systems lens, viewing racism as a system, provides an understanding of how racism functions, which is necessary for taking actions to neutralize and reverse it. Racism and race in the United States were both created by law. Law is the backbone of our social structure. Law is the enacted and codified framework that constitutes our articulated collective story.”