

**UNIVERSITY OF CINCINNATI COLLEGE OF LAW**

**Advanced Topics in Critical Race Theory: Economic Justice**

Professor Emily Houh

Fall 2010 Short Course: Mon., Aug. 16 – Fri., Aug. 20, 9:30am-12pm, Room 100B

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**I. Course Description and Objective (1 credit)**

This short course will explore how the law and the marketplace create and preserve economic inequality according to different social identity categories, with a particular emphasis on the identity category of race, while maintaining a stance of “neutrality.” In this course, we will critically analyze the inter-relatedness of law, markets, and identity using frameworks from classic market theory, law and economics, critical race theory, and feminist legal theory. One objective of the course is to provide you with critical analytic skills so that you may develop contemporary critiques of classic market and legal structures for the purpose of understanding and assisting subordinated communities in the pursuit of economic justice. In so doing, you will be able to negotiate more effectively the societal tension between “efficiency” and “equality” in the law and in the marketplace. This course and the materials are designed for students who do not have formal training in economics, but who are interested in cross-cutting issues of discrimination and unequal wealth that result from the history of cumulative and synergistic discrimination.

**II. Format**

The method of instruction for this short course will consist primarily of an opening lecture and/or discussion presentation, case-oriented inquiry, theoretical extrapolation and application, and group discussion of the topic/theme for each class session.

### III. Requirements

A. Attendance and Participation. Although this class is too large to be considered or run as a true graduate-level seminar, students in this intensive course will assume active roles in the teaching and learning process. Thus, the quality of each discussion is critical to the educational process. Accordingly, you will be evaluated on your contributions to the joint learning venture. You are expected to be a prepared, active, and thoughtful participant in shaping the class discussion and will be graded accordingly. (20 points)

B. Discussants/Presenters: Shortly before or on the first day of class, you will form small groups. In these small groups and beginning on Tuesday, August 17, you will sign up to serve as the “experts” for a given topic. You will be responsible for providing a written “thought piece” engaging the cases and materials you have read for your session. In your thought piece, you may discuss the assigned readings as they relate to course concepts, mainstream legal thought, critical legal theories, law and economics, and/or historical or current events. Your thought piece should be between **3-5 pages** (750-1250 words). Your thought piece, in MS Word format, should be posted on TWEN **no later than 9pm** on the day **preceding your scheduled session**. Be prepared to discuss and answer questions in the assigned reading, and to ask 3-6 questions on that session’s topic and assigned readings. (30 points)

### IV. Required Text

Emma Coleman Jordan & Angela Harris, *WHEN MARKETS FAIL: RACE AND ECONOMICS* (Foundation Press 2006).

## **V. Tentative Daily Schedule and Reading Assignments (subject to change)**

**NOTE:** The schedule is subject to change.

### **Day 1 (M. Aug. 16):**

#### **Race, Markets and Neutrality in Two Disciplines**

- A. Challenging the assumption of “neutrality” (pp. 1-43)
- B. Racial determinants of legal and market culture (pp. 43-72)

#### **Life in a Class Society**

- C. Poverty and the relations of (re)production (pp. 73-114)

### **Day 2 (T. Aug. 17):**

#### **Life in a Class Society, continued**

- A. Class and consumption (pp. 114-30; 145-72)

#### **Defining Family**

- B. Nuclear family vs. extended family (pp. 173-202)
- C. Same-sex couples (pp. 202-36)

### **Day 3 (W. Aug. 18):**

#### **Culture and Identity**

- A. Economics (pp. 237-85)
- B. Racial discrimination: competing theories and empirical evidence (pp. 285-369)

### **Day 4 (Th. Aug. 19):**

#### **The Market Value of Culture**

- A. Penalizing difference (pp. 370-400; 419-30; 430-41)
- B. Appropriating difference (pp. 444-88)

#### **Corrective Struggles**

- C. Community remedies and affirmative action (pp. 489-522)

### **Day 5 (F. Aug. 20):**

#### **Corrective Struggles**

- A. Community remedies and affirmative action, continued (pp. 522-80)
- B. Building community wealth and reparations (pp. 580-620; 643-50)
- C. Outside the box (pp. 620-43)