

Gen Ed 1146: Race and Justice  
Fall 2019  
Monday, Wednesday 10:30-11:45  
Emerson Hall 101

Prof. Tommie Shelby  
Office Hours: Mondays 3-5  
Office: Barker Center, room 255  
e-mail: [tshelby@fas.harvard.edu](mailto:tshelby@fas.harvard.edu)

Teaching Fellows:

Lidal Dror ([lidaldror@g.harvard.edu](mailto:lidaldror@g.harvard.edu))  
Bréond Durr ([durr@g.harvard.edu](mailto:durr@g.harvard.edu))

### **Course description:**

We all agree that racism is wrong. Yet beneath this abstract consensus we find deep disagreements about what to do about it, and even about what racism is. We will address these questions by thinking about some very specific issues, drawing on work in philosophy, law, history, and the social sciences. Is racism best understood as a system of beliefs or social structures? What makes racial discrimination wrongful? Should we seek to discourage hate speech, and if so, should it be regulated by law or through informal social norms? Is a just society colorblind? If so, how should we think about the justice of desegregation, affirmative action, and reparations for slavery, all of which aim to use racial categorization to address racism? On the other hand, if a just society need not be colorblind, is it wrong for law-enforcement officials to use racial profiling where profiling enables them to deploy resources more efficiently? All of these are important questions for us to confront, for the very answers that seem obviously right to some of us will seem obviously wrong to others.

This course will require us to probe our convictions about some deeply held beliefs on significant issues. Students will seek out the best arguments that can be marshaled on behalf of their own moral and political views, identify the vulnerabilities of these arguments, and seek to understand those who disagree by considering the strongest arguments for the views they reject. Our understanding of our own values will deepen and may shift in the process. We will emerge from this investigation with a clearer grasp of what racism is, why it is wrong, and what a world without racism might look like.

*This course, when taken for a letter grade, meets the General Education requirement for Ethics and Civics.*

### **Requirements:**

- Class participation (15%). This entails participating in active learning exercises in class and making regular and well-informed contributions to class and section discussion, which of course requires that you do the required reading and regularly attend both lecture and section.
- An 1500-1800-word essay (4-6 pages), due by Sunday, October 6th at 11:59 pm (20%).
- An 1500-1800-word essay (4-6 pages), due by Sunday, November 10th at 11:59 pm (30%).
- An 1500-1800-word essay (4-6 pages), due by Monday, December 9th at 11:59 pm (35%).

Readings: All of the required texts, including the two required books, are available electronically on the course website under “Library Reserves” or in the “Readings” folder under the “Files” link.

Academic Integrity and Collaboration Policy: Discussion and the exchange of ideas are essential to academic work. For writing assignments in this course, you are encouraged to consult with your classmates on the choice of paper topics, to discuss readings, and to share sources. You may find it useful to discuss your chosen topic with your peers, particularly if you are working on the same topic as a classmate. *However, you should ensure that any written work you submit for evaluation is the result of your own research and writing and that it reflects your own ideas and approach to the topic.* You must also adhere to standard citation practices and properly cite any books, articles, websites, lectures, etc. that have helped you with your work. If you receive editorial assistance with your writing from anyone other than the instructors for this course, you must also acknowledge this help. Please be aware that Harvard College has an [Honor Code](#).

Office Hours with Prof. Shelby: Office hours are Mondays 3-5pm (Barker Center, room 255). Meetings are scheduled through Calendly: [https://calendly.com/professor\\_shelby\\_harvard/office-hours-fall-2019](https://calendly.com/professor_shelby_harvard/office-hours-fall-2019).

Late Assignment and Extension Policy: We will penalize late papers a third of a grade for every two days the paper is late. We will grant extensions (without penalty) on reasonable grounds *if requested at least 24 hours before the due date*. Such reasonable grounds include having lots of assignments due at the same time, a Harvard sanctioned activity (for example, a sporting event or musical performance) right before the due date, religious observances on or just before the due date, etc. Only in absolutely extreme circumstances will we grant an extension after the due date.

Electronic Device Policy: The use of laptops and tablets in lecture is permitted, *provided your use is course related* (e.g., consulting an assigned text, taking notes, searching for a passage, looking up a date, etc.). However, please refrain from using email and social media (e.g., Facebook, Twitter, Instagram, text messaging, etc.), reading non-course related materials (e.g., blogs, magazines, newspapers, etc.), shopping, or watching videos during class. The use of mobile/smart phones in class is not permitted. Non-compliance with this policy will negatively affect your participation grade and may lead to other penalties.

**Accommodations for students with disabilities:** Students needing academic adjustments or accommodations because of a documented disability must present their Faculty Letter from the [Accessible Education Office](#) (AEO) and speak with the professor by the end of the second week of the term (*Friday, September 13*). Failure to do so may result in the Course Head's inability to respond in a timely manner. All discussions will remain confidential, although faculty are invited to contact AEO to discuss appropriate implementation.

Required Texts:

- K. Anthony Appiah and Amy Gutmann, *Color Conscious: The Political Morality of Race* (Princeton: Princeton University Press, 1996).
- Glenn C. Loury, *Race, Incarceration, and American Values* (Cambridge, Mass.: MIT Press, 2008).

- Various essays and book chapters available on the course website or otherwise online.

### Recommended Texts:

George Fredrickson, *Racism: A Short History* (Oxford: Oxford University Press, 2003).

Ibram X. Kendi, *Stamped from the Beginning: The Definitive History of Racist Ideas in America* (New York: Random House, 2017).

### Reading Assignments and Topics:

Wednesday, Sept. 4: Introduction (no readings)

#### RACE

Monday, Sept. 9: K. Anthony Appiah, "Analysis: Against Races," *Color Conscious*, pp. 30-74.

Wednesday, Sept. 11: K. Anthony Appiah, "Synthesis: For Racial Identities," *Color Conscious*, pp. 74-105.

#### Recommended Supplementary Material:

- [American Anthropological Association Statement on Race](#)
- David Reich, "[How Genetics Is Changing Our Understanding of 'Race,'](#)" *New York Times*, March 23, 2018.
- Film series: [Race: The Power of an Illusion](#) (2003).
- Ron Mallon, "A Field Guide to Social Construction." *Philosophy Compass* 2, no. 1 (2007): 93-108.
- Joshua Glasgow, Sally Haslanger, Chike Jeffers, and Quayshawn Spencer, *What Is Race? Four Philosophical Views* (Oxford University Press, 2019).
- Adrian Piper, "Passing for White, Passing for Black." *Transition* 58 (1992): 4-32.
- Robert Gooding-Williams, "Race, Multiculturalism, and Democracy," *Constellations* 5, no. 1 (1998): 18-41.
- [Rachel Dolezal Identifies as "Trans-Black"](#)

#### RACISM

Monday, Sept. 16: K. Anthony Appiah, "Racisms," in *Anatomy of Racism*, ed. David Theo Goldberg (Minneapolis: University of Minnesota Press, 1990), pp. 3-17.

Wednesday, Sept. 18: J.L.A. Garcia, "The Heart of Racism," *Journal of Social Philosophy* 27 (1996): 5-46.

Monday, Sept. 23: Linda Martin Alcoff, "Latinos Beyond the Binary," *Southern Journal of Philosophy* 47 (2009): 112-128.

Wednesday, Sept. 25: Tommie Shelby, "Racism, Moralism, and Social Criticism," *Du Bois Review* 11.1 (2014): 57-74.

#### Recommended Supplementary Material:

- Lawrence Blum, *'I'm Not a Racist, But...': The Moral Quandary of Race* (Ithaca: Cornell, 2002), Chap. 1.
- Gertrude Ezorsky, "Overt and Institutional Racism," Chap. 1 in *Racism & Justice: The Case for Affirmative Action* (Cornell University Press, 1991).
- Lawrence D. Bobo, "Somewhere Between Jim Crow & Post-Racialism: Reflections on the Racial Divide in America Today." *Daedalus* 140, no. 2 (2011): 11-36.
- Eduardo Bonilla-Silva, "Rethinking Racism: Toward a Structural Interpretation." *American Sociological Review* (1997): 465-480.
- ["How Racist Is Boston?"](#) from The Daily Show (comedy)

#### DISCRIMINATION AND AFFIRMATIVE ACTION

Monday, Sept. 30: Deborah Hellman, *When Is Discrimination Wrong?* (Harvard, 2008), pp.1-33.

Wednesday, Oct. 2: Louis P. Pojman, "The Moral Status of Affirmative Action," *Public Affairs Quarterly* 6 (1992): 181-206.

Mon., Oct. 7: Amy Gutmann, "Responding to Racial Injustice," *Color Conscious*, pp. 106-138.

#### Recommended Supplemental Readings:

- Margaret Kramer, ["A Timeline of Key Supreme Court Cases on Affirmative Action,"](#) *The New York Times*, March 30, 2019.
- Ronald Dworkin, "The Court and the University," *New York Review of Books*, May 15, 2003.
- Terry Eastland, "The Case Against Affirmative Action." *Wm. & Mary L. Rev.* 34 (1992): 33.
- Jay Caspian Kang, ["Where Does Affirmative Action Leave Asian-Americans?"](#) *New York Times Magazine*, August 28, 2019.

#### POLITICAL MEMBERSHIP AND IMMIGRATION

Wednesday, Oct. 9: Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (Basic Books, 1983), chap. 2.

Monday, Oct. 14: University Holiday

Wednesday, Oct. 16: José Jorge Mendoza, "Illegal: White Supremacy and Immigration Status," in *The Ethics and Politics of Immigration: Core Issues and Emerging Trends*, ed. Alex Sager (Rowman & Littlefield, 2016), pp. 201-220.

#### Recommended Supplementary Material:

- Sarah Fine, “Immigration and Discrimination,” in *Migration in Political Theory: The Ethics of Movement and Membership*, ed. Sarah Fine and Lea Ypi (Oxford, 2016), pp. 125-50.
- Elizabeth Aranda and Elizabeth Vaquera, “Racism, the Immigration Enforcement Regime, and the Implications for Racial Inequality in the Lives of Undocumented Young Adults,” *Sociology of Race and Ethnicity* 1 (2015): 88-104.
- Amy L. Wax, “Debating Immigration Restriction: The Case for Low and Slow.” *Geo. J.L. & Pub. Pol’y* 16 (2018): 837.
- Samuel P. Huntington, [“The Hispanic Challenge.”](#) *Foreign Policy*, March/April 2004.
- Amada Armenta, “Racializing Crimmigration: Structural Racism, Colorblindness, and the Institutional Production of Immigrant Criminality.” *Sociology of Race and Ethnicity* 3, no. 1 (2017): 82-95.

#### POLITICAL EQUALITY AND DEMOCRACY

Monday, Oct. 21: Lani Guinier, “[E]racing Democracy: The Voting Rights Cases,” *Harvard Law Review* 108 (1994): 109-137.

Wednesday, Oct. 23: Andrew Altman, “Race and Democracy: The Controversy Over Racial Vote Dilution,” *Philosophy & Public Affairs* 27 (1998): 175-201.

#### Recommended Supplementary Material:

- [Voting Rights Act Fast Facts](#) at CNN.com
- Film: *Selma* (2015) Paramount. Dir. Ava Duvernay.
- [Shelby County v. Holder](#) (2013)
- Adam Cox and Thomas J. Miles, “Judging the Voting Rights Act.” *Colum. L. Rev.* 108 (2008): 1.
- Carol Anderson, [“Voting While Black: The Racial Injustice that Harms Our Democracy.”](#) *Guardian*, June 7, 2018.

#### PROFILING AND LAW ENFORCEMENT

Monday, Oct. 28: Mathias Risse and Richard Zeckhauser, “Racial Profiling,” *Philosophy & Public Affairs* 32 (2004): 131-170.

Wednesday, Oct. 30: Adam Omar Hosein, “Racial Profiling and the Reasonable Sense of Inferior Political Status,” *Journal of Political Philosophy* 26 (2018): e1-e20.

#### Recommended Supplemental Readings:

- Garnette Cadogan, [“Walking While Black”](#)

- [Floyd v. City of New York 813 F. Supp.2d 417](#) (2011)
- Charu A. Chandrasekhar, “Flying While Brown: Federal Civil Rights Remedies to Post-9/11 Airline Racial Profiling of South Asians.” *Asian LJ* 10 (2003): 215.

## MASS INCARCERATION

Monday Nov. 4: Glenn Loury, *Race, Incarceration, and American Values*, pp. 3-40.

Wednesday, Nov. 6: Glenn Loury, *Race, Incarceration, and American Values*, pp. 41-84.

### Recommended Supplementary Material:

- [“Who Created the Juvenile ‘Superpredators?’”](#) *New York Times* video report.
- Michelle Alexander, “The New Jim Crow.” *Ohio St. J. Crim. L.* 9 (2011): 7.
- James Forman Jr, “Racial Critiques of Mass Incarceration: Beyond the New Jim Crow.” *NYUL Rev.* 87 (2012): 21.
- Dorothy E. Roberts, “The Social and Moral Cost of Mass Incarceration in African American Communities.” *Stan. L. Rev.* 56 (2004): 1271.
- Arthur Rizer and Lars Trautman, [“The Conservative Case for Criminal Justice Reform,”](#) *Guardian*, August 5, 2018.

## HATE SPEECH

Monday, Nov. 11: Jeremy Waldron, “Dignity and Defamation: The Visibility of Hate,” *Harvard Law Review* 123 (2010): 1596-1635.

Wednesday, Nov. 13: Jeremy Waldron, “Dignity and Defamation: The Visibility of Hate,” *Harvard Law Review* 123 (2010): 1635-1657.

### Recommended Supplemental Material:

- John Paul Stevens, “Should Hate Speech Be Outlawed?” *New York Review of Books*, June 7, 2012.
- [Ronald Dworkin responding to Waldron on hate speech regulation](#)
- [Debate between Nadine Strossen and Jeremy Waldron](#)
- Charles R. Lawrence III, “If He Hollers Let Him Go: Regulating Racist Speech on Campus.” *Duke Lj* (1990): 431.
- Mari J. Matsuda, “Public Response to Racist Speech: Considering the Victim's Story.” *Michigan Law Review* 87, no. 8 (1989): 2320-2381.
- Richard. Delgado, “Words That Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling.” *Harvard CR-CLL Rev.* 17 (1982): 133.

## REPARATIONS

Monday, Nov. 18: Jeremy Waldron, “Superseding Historic Injustice,” *Ethics* 103 (1992): 4-28.

Wednesday, Nov. 20: Bernard R. Boxill, "A Lockean Argument for Black Reparations," *Journal of Ethics* 7 (2003): 63-91.

Recommended Supplemental Material:

- Sam Levin, "[‘This is all stolen land’ Native Americans want more than California’s apology.](#)" *Guardian*, June 21, 2019:
- Janna Thompson, "Historical Injustice and Reparation: Justifying Claims of Descendants." *Ethics* 112 (2001): 114-135.
- Adolph Reed, Jr., "[The Case Against Reparations.](#)" Nonsite.org, February 2016:
- Ta-Nehisi Coates, "[The Case for Reparations.](#)" *Atlantic*, June 2014.
- Derrick Darby, "Reparations and Racial Inequality." *Philosophy Compass* 5, no. 1 (2010): 55-66.

SEGREGATION, INTEGRATION, AND PLURALISM

Monday, Nov. 25: Elizabeth Anderson, "The Future of Integration," in *Contemporary Debates in Social Philosophy*, ed. Laurence Thomas (Malden, Mass.: Blackwell, 2008), pp. 229-249.

Wednesday, Nov. 27: Thanksgiving Recess

Monday, Dec. 2: Tommie Shelby, *Dark Ghettos: Injustice, Dissent, and Reform* (Cambridge: Harvard University Press, 2016), ch. 2.

Recommended Supplementary Material:

- Alana Semuels, "[Supreme Court vs. Neighborhood Segregation.](#)" *Atlantic*, June 25, 2015.
- Julie Hirschfeld Davis and Binyamin Applebaum, "[Obama Unveils Stricter Rules Against Segregation in Housing.](#)" *New York Times*, July 8, 2015.
- Nikole Hannah-Jones, "[Choosing a School for My Daughter in a Segregated City.](#)" *New York Times Magazine*, June 9, 2016.
- Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (Liveright Publishing, 2017).
- Lola Fadulu, "[Trump Proposal Would Raise Bar for Proving Housing Discrimination.](#)" *New York Times*, August 2, 2019.