

# LA383-15 Issues in the Legal History of Race

**26/27**

**Department**

School of Law

**Level**

Undergraduate Level 3

**Module leader**

Carolina Alonso Bejarano

**Credit value**

15

**Module duration**

10 weeks

**Assessment**

100% coursework

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

In this module, students encounter different theorists from across the world who reflect upon the relation between the law and the construction of racial difference. The history of Anglo-European colonialism is mobilized as a prism to explore the ways in which race, racism and the law intersect at different points in time and in various parts of the globe.

In particular, the module will focus on the case of the United States of America, understanding it as a colonial power, and also as a set of former British, Spanish, Dutch and French colonies.

[Module web page](#)

### Module aims

In this module, students encounter different theorists from across the world who reflect upon the relation between the law and the construction of racial difference. The history of Anglo-European colonialism is mobilized as a prism to explore the ways in which race, racism and the law intersect at different points in time and in various parts of the globe. In particular, the module will focus on the case of the United States of America, understanding it as a colonial power, and also as a set of former British, Spanish, Dutch and French colonies.

## Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

The module will begin with an introductory week in which we will consider the fundamental question of "What is Race?" through Aníbal Quijano's classic work on Eurocentrism and coloniality of power. Noting the emergence of the category of 'race' during the early modern/colonial era, a period of rapid global capitalist expansion, I will introduce students to the notion of 'decolonial theory' and the idea that it is not possible to understand racial inequalities in the 21st century absent of a long historical perspective that sheds light on the lived experience of differently colonized peoples.

Next, in weeks 2 and 3, we will consider the distinction between 'coloniality' and colonialism in the context of different legal constructions of race. We will read Aimé Césaire's celebrated 'Discourse on Colonialism' dealing with French colonialism in the Caribbean, along with Sylvia Wynter's essay on the invention of 'Man' as a subject of rights during the Enlightenment and concurrent colonization of the Americas.

In week 4, we will discuss the role of colonial racial ideologies in the emergence of Liberalism during the Enlightenment. In particular, we will read John Locke's writing on property rights along with Barbara Arneil's analysis of Locke's theories on British colonizers' natural right to American land. For this lecture I will draw on my own work pertaining the relation between the colonization of New Jersey and the current illegalization of immigrants in the United States.

Having established the relation between the European colonial project and modern legal constructions of race, in week 5 we will introduce the much cited and misunderstood concept of intersectionality. In reading Kimberlé Crenshaw's seminal essays on the topic, we will analyze how race as a legally constructed category intersects with other legally constructed identity markers, such as gender, sexuality and class.

Following reading week, in weeks 7 and 8 we will consider the question of the relation between race and the law intersectionally. Specifically, we will discuss the legal construction of race in the contexts of gender and sexuality. We will read María Lugones' essay on the coloniality of gender along with Sally Engle Merry's work on the use of the law to regularize family structures during the U.S. colonization of Hawai'i. We will follow by reading Michel Foucault's 'History of Sexuality' along with Ann Laura Stoler's 'Race and the Education of Desire,' which places the relationship between biopower, bourgeois sexuality and what Foucault identifies as 'racisms of the state' under the light of the Dutch and French colonial archives.

In week 9, we will consider yet another intersecting category pertaining the legal construction of race: Citizenship. In particular we will focus on the ever-expanding prison industrial complex and the current illegalization of immigrants in the context of the United States. In juxtaposing Michelle Alexander's 'The New Jim Crow' with Nicholas De Genova's work on migrant 'illegality' and deportability, we will explore how certain bodies share histories of illegalization and dehumanization and therefore can/not gain access to citizen and human rights in the (post) colonial state. For this lecture I will draw on my own work on the relation between the illegalization of Black Americans and Latinxs in the United States.

Finally, in week 10 we will discuss Frantz Fanon's 'The Wretched of the Earth,' in particular his conceptualization of transcendence in the discussion of anti-colonial violence: that which works against the violence of the state and towards a new politics that can replace colonial structures of

domination. We will close with Audre Lorde's essay on 'master's tools' and a discussion on whether or not modern law can be mobilized by legally minoritized peoples in order to advance their own empowerment and, quoting Lorde, 'dismantle the master's house.'

Throughout the module I will use a wide variety of materials, including music, poetry, film, and interactive media, to encourage interdisciplinary thinking.

## **Learning outcomes**

By the end of the module, students should be able to:

- Demonstrate an advanced knowledge of legal, historical, and political ideologies of 'race.'
- Undertake advanced interdisciplinary study and research.
- Demonstrate enhanced key-skills including written and oral communication skills, problem solving, working independently and in groups, and broad research skills.
- Demonstrate their ability to construct and substantiate comprehensive and sophisticated scholarly arguments in written and oral work

## **Indicative reading list**

[Reading lists can be found in Talis](#)

## **Research element**

Students will do weekly independent research on how the assigned material relates to their life to complete their journal.

## **Interdisciplinary**

Throughout the module I will use a wide variety of materials, including music, poetry, film, and interactive media, to encourage interdisciplinary thinking.

## **International**

We address different thinkers and artists from across the world who address the relation between racial difference and the law.

## **Subject specific skills**

Students will be able to demonstrate an advanced knowledge of different legal, historical, and political conceptions of race and racial difference.

## **Transferable skills**

Students will develop their ability to construct and substantiate comprehensive, sophisticated and collaborative scholarly arguments in written and oral work.

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# Study

## Study time

Type	Required
Lectures	18 sessions of 1 hour (11%)
Seminars	7 sessions of 1 hour (4%)
Private study	125 hours (74%)
Assessment	20 hours (12%)
Total	170 hours

## Private study description

No private study requirements defined for this module.

## Costs

No further costs have been identified for this module.

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## Assessment

You must pass all assessment components to pass the module.

Students can register for this module without taking any assessment.

### Assessment group A2

Assessment component	Weighting	Study time	Eligible for self-certification
Reflective piece	100%	20 hours	Yes (extension)
Students will compile a reflective journal: a hand-written diary, in which students narrate and collate materials relevant to their thinking on the subject matter of the course, always reflecting upon how the assigned material informs how they understand their lives. As an assessment, the reflective journal demonstrates how the student has engaged thoughtfully and creatively with the subject matter of the module.			
Materials may include writing, poetry, music, drawing, headlines or clippings from newspapers, postcards, quotations, images, words, games, maps, advertisements, website references. The reflective diary is an attempt to encourage students to apply themselves to the task of gathering			

## Weighting

## Study time

## Eligible for self-certification

material relevant to the module (and providing critical analysis where appropriate), in a manner that reflects upon how their life experience relates to the module's material. It is assessed according to the originality of research, the quality of materials evidenced, the distinctive nature of the analysis, and the level of self-reflection.

The reflective diary will be present in classes but at the assessment stage the student will photograph and submit 20 self-selected and representative images of the book (each image being of a single page or double-page of the book) collated as a pdf and uploaded to Tabula. Assessment will be based on the 20 images of pages selected by the student.

Reassessment component is the same

## Feedback on assessment

Summative feedback via Tabula. Informal one to one feedback available by request during office hours.

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## Availability

## Courses

This module is Optional for:

- ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
  - Year 3 of ML34 Law and Sociology (Qualifying Degree)
  - Year 4 of ML34 Law and Sociology (Qualifying Degree)
- Year 5 of ULAA-ML35 BA in Law and Sociology (Qualifying Degree) (with Intercalated year)
- ULAA-M300 Undergraduate Law
  - Year 2 of M300 Law
  - Year 3 of M300 Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 2 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
  - Year 3 of M105 Law (3 year) (Qualifying Degree)
- ULAA-M301 Undergraduate Law (4 Year)
  - Year 2 of M301 Law (4 year)
  - Year 3 of M301 Law (4 year)
  - Year 4 of M301 Law (4 year)
- ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
  - Year 2 of M106 Law (4 year) (Qualifying Degree)
  - Year 3 of M106 Law (4 year) (Qualifying Degree)

- Year 4 of M106 Law (4 year) (Qualifying Degree)
- Year 4 of ULAA-M355 Undergraduate Law (European)
- Year 4 of ULAA-M107 Undergraduate Law (European) Qualifying Degree
- ULAA-M104 Undergraduate Law (Year Abroad)
  - Year 2 of M104 Law (Year Abroad)
  - Year 4 of M104 Law (Year Abroad)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 2 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 4 of M108 Law (Year Abroad) (Qualifying Degree)
- ULAA-ML33 Undergraduate Law and Sociology
  - Year 3 of ML33 Law and Sociology
  - Year 4 of ML33 Law and Sociology
- ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
  - Year 2 of M10A Law with French Law (Qualifying Degree)
  - Year 4 of M10A Law with French Law (Qualifying Degree)
- ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
  - Year 2 of M10C Law with German Law (Qualifying Degree)
  - Year 4 of M10C Law with German Law (Qualifying Degree)
- ULAA-M110 Undergraduate Law with Humanities (3 Year)
  - Year 2 of M110 Law with Humanities (3 year)
  - Year 3 of M110 Law with Humanities (3 year)
- ULAA-M111 Undergraduate Law with Humanities (3 Year) (Qualifying Degree)
  - Year 2 of M111 Law with Humanities (3 year) (Qualifying Degree)
  - Year 3 of M111 Law with Humanities (3 year) (Qualifying Degree)
- ULAA-M112 Undergraduate Law with Humanities (4 Year)
  - Year 2 of M112 Law with Humanities (4 year)
  - Year 3 of M112 Law with Humanities (4 year)
  - Year 4 of M112 Law with Humanities (4 year)
- ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)
  - Year 2 of M113 Law with Humanities (4 year) (Qualifying Degree)
  - Year 3 of M113 Law with Humanities (4 year) (Qualifying Degree)
  - Year 4 of M113 Law with Humanities (4 year) (Qualifying Degree)
- ULAA-M114 Undergraduate Law with Social Sciences (3 Year)
  - Year 2 of M114 Law with Social Sciences (3 year)
  - Year 3 of M114 Law with Social Sciences (3 year)
- ULAA-M115 Undergraduate Law with Social Sciences (3 Year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 2 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
  - Year 3 of M115 Law with Social Sciences (3 year) (Qualifying Degree)
- ULAA-M116 Undergraduate Law with Social Sciences (4 Year)
  - Year 2 of M116 Law with Social Sciences (4 year)
  - Year 3 of M116 Law with Social Sciences (4 year)
  - Year 4 of M116 Law with Social Sciences (4 year)

- ULAA-M117 Undergraduate Law with Social Sciences (4 Year) (Qualifying Degree)
  - Year 2 of M117 Law with Social Sciences (4 year) (Qualifying Degree)
  - Year 3 of M117 Law with Social Sciences (4 year) (Qualifying Degree)
  - Year 4 of M117 Law with Social Sciences (4 year) (Qualifying Degree)
- UPHA-V7MW Undergraduate Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 2 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law
  - Year 3 of V7MW Politics, Philosophy and Law