

## Law and Inequality Pilot

### Course & Section Descriptions

#### Course Description.

The justice systems in the United States, criminal and civil, were created based on doctrines and rules that discriminate against Black people, Indigenous communities, other people of color, women, immigrants, people with disabilities, and other marginalized communities.

Understanding pervasive structural inequality and persistent racism, and the law's role in creating, perpetuating, and maintaining these conditions, is essential to lawyer competency. Each small section of this course is taught by a faculty member who has selected a particular topic that will be used as the lens through which to think and learn about the law and inequality. Topics may include property law, the criminal legal system, family law, reproductive justice, education law, citizenship and immigration law, international law, or technology and Artificial Intelligence. Faculty employ a variety of educational modalities, including readings from law and other disciplines, podcasts and other forms of media, short writing projects, in-class and online discussion, visits to historical sites, guest lectures and other activities that help to illuminate the course topic. Among other topics, assigned materials will invite students to reflect on issues of racial justice, structural or systemic inequality in the law, how the law shapes identity, and the ways in which cultural context and cultural competency are critical to understanding the law's impact on various communities. Class assignments, discussion, and activities will encourage the development of critical perspectives on legal doctrine, procedural rules and the shape of our justice system.

This optional class offers one non-course credit. Non-course credits may be counted toward graduation and are graded on a Pass/D+/D/F basis.

#### **Fall, 2021 Camden Sections**

##### Section 1 – Dean Kim Mutcherson

Wednesdays 3:55-5:50 (every other except back-to-back before Thanksgiving)

This section will focus on reproductive justice (RJ) and the many ways in which law has been used to control the reproductive and parenting choices of people of color, especially women of color. Topics will include forced sterilization, coerced contraception, welfare family caps, forced obstetrical interventions, and criminal prosecutions of pregnant women.

##### Section 2 – Prof. Jay Feinman

Wednesdays 3:55-5:50 (7 meetings, exact dates tbd.)

Contracts, torts, and property—the core private law subjects—are sometimes seen as relatively neutral. Property law defines rules about ownership and use of things, contract law sets the ground rules for market transactions, and tort law provides remedies for injuries to person or property. Each subject appears to be grounded in objective standards of public policy and reasonableness, such as the principles of reasonable expectations in contract law and reasonable care in torts. This section questions those assumptions, portrays the subjects as essentially

political, and examines how issues of race, gender, class, and inequality are embedded in the theory and operation of contract, tort, and property law.

Section 3 – Prof. Todd Clear

September 11-September 12 (Sat-Sun) 9:00-12:15 p.m. and 2:00-5:15 p.m.

Incarceration and inequality with an emphasis on racial disparity. Class will be joined by formerly incarcerated Rutgers grads. Focus on personal experiences with the law.

**Fall, 2021 Newark Sections**

Section 1 – Prof. Todd Clear

September 11-September 12 (Sat-Sun) 9:00-12:15 p.m. and 2:00-5:15 p.m.

Incarceration and inequality with an emphasis on racial disparity. Class will be joined by formerly incarcerated Rutgers grads. Focus on personal experiences with the law.

Section 2 – Prof. Norrinda Hayat

Mondays 3:55-5:50 p.m. (every other)

*From Tulsa to Wakanda: Utilizing the Law to Repair Centuries of Systemic Black Land Dispossession.* This Section will: 1) explore the historical practice of government-instituted black land dispossession in America through a critical lens, including an examination of seemingly neutral principles of law such as standing, political question doctrine and statute of limitations as they are wielded against the concept of reparations, 2) examine the legitimacy of Black commons as a tool of repair and 3) engage the imagination to consider what the future of liberated Black landholding in America might look like and how the law could be utilized to ascend the country to that space.

Ta-Nehisi Coates recently said on the writing of his last issue of *Black Panther* “it may seem that comics was a side job away from my ‘serious’ work as an essayist. But I will say it until I’m blue in the face - [law] without imagination is suicide. You can’t tell people to vote for a better future they can’t envision. We are still living in the world that *Gone With the Wind* made. If folks can’t imagine you as human, all the policy in the world is irrelevant.” In this Section, we will imagine an America where the law recognizes Black people as legitimate landholders and reverse engineer policy prescriptions from that place.

Section 3 – Prof. Chrystin Ondersma and Prof. Amy Widman

Tuesdays 1:05-2:20 p.m. for 10 weeks in a row

We will examine the ways the state uses its coercive power to collect alleged debt by, for example, imposing excessive fees on people's interactions with the justice system, ordering payment of public and/or private debt, and effectuating punishments for nonpayment of debt. Readings will center on how policies embedded in civil justice processes and practices perpetuate racial inequality. In addition to fines and fees imposed by the justice system itself, we will cover student loans, the economics of incarceration, bankruptcy, and the role of lawyers in reforming systems to be more equitable.

Section 4 – Prof. Amy Soled and Prof. Jennifer Rosen Valverde

Mondays 3:55-4:50 p.m. for 7 weeks

Race, Bias and Professional Identity. In this one-credit seminar, first-year students will begin the process of professional identity formation as a lawyer by exploring the intersection of race, bias, identity, and the law. Students will reflect upon their personal and social identities, the ways in which this country's laws and legal systems create and perpetuate racism and bias based on social identities, and how law can be an essential tool to combat racism and bias so as to create a more equitable and just society. During this exploration, students will examine how they have been shaped by their personal and social identities, how they will be shaped by the legal profession, and how they hope to shape their identities as both lawyers and human beings. Some of the topics that will be covered include racism, oppression, bias (explicit and implicit), power, privilege, gatekeeping, norms and values, personal narrative, professional identity, and resilience. Through book excerpts, articles, videos, podcasts, classroom exercises, dialogue, and journaling, students will begin to develop a sense of who they want to be as a lawyer while developing critical analytical and self-reflection skills.

Section 5 – Prof. Beth Stephens

Wednesday 3:55-5:50 p.m. (every other)

With a focus on the United States, this section will explore both the race-based roots of international law and attempts to use that law to challenge racism and inequity. Topics include international law's justification of colonialization and the seizure of Indigenous lands in what is now the United States and elsewhere; use of international law to challenge and to defend enslavement and the slave trade; international law-based challenges to U.S. racial oppression in the mid-20th century; and recent efforts to use international law to support the reform of police practices. No prior knowledge of international law is expected: we'll start with a basic introduction to the concepts relevant to the course.

**Spring, 2022 Course Offerings**

Professor	Location	Course Description
Linda Bosniak	Camden	Citizenship/Immigration and Racial Exclusion
Ellen Goodman	Camden	Technology and Inequality
Dennis Patterson	Camden	What Explains Inequality: Race or Class?
Suzanne Kim Randi Mandelbaum	Newark	This section will explore the intersection of race and family law with a particular focus on gender, reproductive rights, family equality, and how our child welfare, immigration, and criminal justice systems lead to prolonged and unnecessary family separation.
Laura Cohen	Newark	Race and the Criminal and Juvenile Legal Systems: This section will focus on the role and impact of race and bias in the adult and youth incarceration systems. Possible topics include the Fourth Amendment, substantive criminal law issues (e.g., vagrancy/loitering laws, self-defense, disparities in sentencing, the death penalty), policing and police accountability, cradle to prison pipeline, and wrongful convictions, among others.
Vice Dean Stacy Hawkins	Camden	This section will explore the social construction of race, with a focus on the important role American law has played in reifying the subordinate social status of “minority” racial/ethnic groups and the impact of that subordination on racial/ethnic minorities across various domains of public life, including education, employment, criminal justice, and voting rights.
Esther Canty-Barnes Jenny Rosen Valverde	Newark	The role that race and historical oppression have played in the development of educational institutions, laws, social theories, etc. with a focus on the intersection of education, disability, and poverty.
Ann Freedman	Camden	This section will explore how race and historical oppression have shaped the family law and family regulation systems, including the use of family separation to terrorize marginalized communities; how race, class and gender oppression has been marketed as necessary to promote child well-being; and the growing movement for change via family defense, public health approaches, and parent and community activism.
Ari Afilalo	Camden	(Winter Term Course) This section will explore oppression and discrimination in the context of contract law and deal-making.