

Critical Race Theory and Human Rights LW5126

Date/Time/Location: Irish Centre for Human Rights, PhD Seminar Room,
Fridays 2-5pm (8th to 29th March 2024)

Credits: 5 ECTS (12 teaching hours – One 3 hour lecture per week for 4 weeks)

Lecturers: Dr Anna Arstein-Kerslake

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Office Hours: By appointment – contact by email to arrange.

Summary:

Critical Race Theory recognises that race strongly affects power and privilege. It also acknowledges that our socio-legal systems are built on histories of profound racial discrimination and prejudice that continue to disadvantage racial minorities. The theory arose in the USA; however, it is relevant for socio-legal structures around the world because they have all been impacted by colonialism and other forms of racial discrimination and prejudice. Human Rights Law is the most powerful international tool for regulating social justice issues such as discrimination and prejudice. However, there has been relatively little discussion of Critical Race Theory in human rights scholarship and jurisprudence. This module will explore the overlap between Critical Race Theory and Human Rights Law. It will identify the tensions between them, as well as the potential for human rights law to be a tool for creating solutions to the social justice issues identified by Critical Race Theory.

Learning Objectives:

- Understanding of Critical Race Theory.
- Awareness of racist history and problematic aspects of human rights law.
- Knowledge of rights protection for racial minorities in human rights law.
- Ability to apply Critical Race Theory to analyse law and social phenomena.
- Capacity to use human rights law to develop solutions to social problems identified by Critical Race Theory.

Teaching Methods:

Classes will include discussion-based lectures, guest presenters, and small group exercises. The format will vary each week. **Students are expected to have completed all reading prior to class and should be prepared to contribute to discussions.**

Text:

[Delgado, Richard, and Jean Stefancic. *Critical Race Theory, Fourth Edition*. New York University Press, 2023. ISBN: 9781479818266. \[Full text available as an ebook through University of Galway library website.\]](#)

Additional readings as listed below.

Assessment:

10% Mid-term assessment - Reflective essay (500 words)

20% Small group project assessment

70% Research essay (2,500 words, excluding footnotes and bibliography)

*****You MUST have your topic for the research essay approved by the lecturer.*****

The **criteria for the assessment of the research essay** are as follows:

Topic and research question

- Is the research question feasible?
- Have the key issues in the research question been identified?
- Is the essay discussion relevant to the research question?
- Is there evidence of reflection on, and application of themes, discussed in class, in so far as they are relevant to the essay?

Research

- Has an appropriate range of primary and secondary sources been examined?
- Have up-to-date sources been used?
- Is the research material well understood?
- Is the material relied on authoritative?

Structure

- Does the essay show evidence of planning?
- Does it have a coherent, systematic structure organised around a central argument or arguments?
- Does it have a well-crafted introduction, which sets out the structure of the essay and indicates what your main argument or arguments will be?
- Does it have a well-crafted conclusion?

Analysis

- Does the essay make a point about the law, rather than merely describe the law?
- Does the essay avoid unsubstantiated generalisations?
- Has the research material been analysed for persuasiveness of argument, accuracy?
- Are opposing points of view discussed or otherwise adequately dealt with?

Style

- Is the essay written clearly and concisely?
- Is there appropriate and accurate citation?
- Word length & Style guide
- Does the essay keep to the word limit? Footnotes are not counted in the word count.

Not all of the criteria are of equal weight. Originality will be rewarded.

Topics:

Week	Topic
1	Introduction to Critical Race Theory: Origins, Impact, and Future
2	Building Skills: Using Critical Social Theory to Analyse Law
3	Critical Race Theory and Human Rights Law: Racist Origins of International Law, Problematic Developments in Human Rights, and Protecting Rights of Racial Minorities
4	Consolidating Knowledge: Using Critical Race Theory to Identify Gaps in Human Rights Law and Create Solutions

Reading Guide:

Week 1 – Introduction to Critical Race Theory: Origins, Impact, and Future

Delgado, Richard, and Jean Stefancic. *Critical Race Theory*, Fourth Edition. New York University Press, 2023. ISBN: 9781479818266. **Chapters 1 and 2, pages 1-44.**

[Crenshaw, Kimberlé Williams. "Twenty years of critical race theory: Looking back to move forward." *Conn. L. Rev.* 43 \(2010\): 1253-1352.](#)

[Lorde, Audre. "To the Poet Who Happens to Be Black and the Black Poet Who Happens to Be a Woman." *Callaloo* 24.3 \(2001\): 813-814.](#)

Week 2 – Building Skills: Using Critical Social Theory to Analyse Law

Delgado, Richard, and Jean Stefancic. *Critical Race Theory*, Fourth Edition. New York University Press, 2023. ISBN: 9781479818266. **Chapter 3, pages 45-58.**

[Universal Declaration of Human Rights](#)

[International Covenant of Civil and Political Rights](#)

[International Convention on the Elimination of All Forms Racial Discrimination](#)

[United Nations Declaration on the Rights of Indigenous Peoples](#)

[Abdulahad, Tania et al. "Necessary Bread Disarmament Statement." *Off our backs* 12.11 \(1982\): 23.](#)

Week 3 – Critical Race Theory and Human Rights Law: Racist Origins of International Law, Problematic Developments in Human Rights, and Protecting Rights of Racial Minorities

Delgado, Richard, and Jean Stefancic. *Critical Race Theory*, Fourth Edition. New York University Press, 2023. ISBN: 9781479818266. **Chapter 4, pages 59-76.**

[Saito, Natsu Taylor. "Critical race theory as international human rights law." In *Proceedings of the ASIL Annual Meeting*, vol. 93, pp. 228-228. Cambridge University Press, 1999.](#)

[Gordon, Ruth. "Critical Race Theory and International Law: Convergence and Divergence Racing American Foreign Policy." *American Society of International Law. Proceedings of the Annual Meeting* 94 \(2000\): 260-66.](#)

Week 4 – Consolidating Knowledge: Using Critical Race Theory to Identify Gaps in Human Rights Law and Create Solutions

Delgado, Richard, and Jean Stefancic. *Critical Race Theory*, Fourth Edition. New York University Press, 2023. ISBN: 9781479818266. **Chapter 5-6, and 8, pages 77-114 and 154-165.**

[Mutua, Makau. "Critical race theory and international law: The view of an insider-outsider." *Vill. L. Rev.* 45 \(2000\): 841-854.](#)