

YALE ALUMNI COLLEGE
Syllabus: American Race Relations and the Legacy of British Colonialism

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British rule brought white settlers and African slaves to North America and functioned through laws that defined the roles of racial groups in the colonies. Especially since World War II the United States has removed many vestiges of that divided society. Appeals to legitimacy, such as by abolitionists or the Civil Rights Movement, were essential to change laws from support of the divided society to instruments for disestablishing it. Thanks to the Rule of Law – also a legacy of British colonialism -- the US is much farther along than many other former colonies.

This course is intended for the Yale Alumni Community, i.e., informed people who may or may not have knowledge of law or British colonial history and who would like to gain insights about how American history provides an important context for understanding race relations today. While the course will focus on white-black race relations, it will touch on other race relations as well.

The course will be held Thursday evenings, 7:30 pm-9pm, from October 8 through November 12.

Course Readings: Thomas H. Stanton, *American Race Relations and the Legacy of British Colonialism* (Routledge, 2020); and readings that will be distributed before class. **OPTIONAL:** Eduardo Porter, *American Poison: How Racial Hostility Destroyed our Promise* (Knopf, 2020).

The six classes will address the following topics:

First Class: Introductions and Overview of the Class

Readings: Stanton, *American Race Relations*, Chapter 1 (“Introduction and Overview”); Department of Housing and Urban Development, “Secretary Carson Terminates 2015 AFFH Rule: Removal of rule returns power to localities in effort to advance fair housing nationwide,” (2020); Anderson, “The White Space” (2015).

Second Class: Colonialism and Social Division

British colonial rule brought white settlers and enslaved Africans to America. The divided society functioned through laws that imposed rules and defined roles of the respective races. The law facilitated colonial settlement and economic development, including a slave trade that was quite profitable for investors.

Readings: Stanton, *American Race Relations*, Chapter 2 (“Colonial Economies, Societies and Laws”); “Race and religion in South-East Asia: The plural society and its enemies,” (2014),

available at <https://www.economist.com/asia/2014/08/02/the-plural-society-and-its-enemies>. If there's time we will watch and discuss: Oxford Union Debate: Dr Shashi Tharoor MP – “Britain Does Owe Reparations” (2015) available at <https://www.youtube.com/watch?v=f7CW7S0zxv4>.

Third Class: The Constitution and Structure of American Governance

The Constitution of the United States; the nature of federalism and distributed powers; the tension between efficient governmental institutions and democratic government under the Constitution; constitutional compromises leading to the Civil War.

Have available in class: The Constitution of the United States

Readings: Savage, “Korematsu, Notorious Supreme Court Ruling on Japanese Internment, Is Finally Tossed Out,” (2018) available at <https://www.nytimes.com/2018/06/26/us/korematsu-supreme-court-ruling.html>; Weiss, “Scalia: Korematsu was wrong, but 'you are kidding yourself if you think it won't happen again,’” (2014) available at https://www.abajournal.com/news/article/scalia_korematsu_was_wrong_but_you_are_kidding_yourself_if_you_think_it_won (2014); Annette Gordon-Reed, “America’s Original Sin: Slavery and the Legacy of White Supremacy” (2018) available at <https://www.foreignaffairs.com/articles/united-states/2017-12-12/americas-original-sin>.

Fourth Class: What is Law? How does it Reflect Attitudes and Affect Behavior?

The legacy of British colonial rule includes not only a divided racial society, but also the rule of law. What does the rule of law mean? How does the rule of law bridge the tension between democracy and a Constitution that limits the extent of majority rule? How can one reconcile the majestic language of the Declaration of Independence with the brutal conditions of slavery that law created in the American colonies and later in the states?

Readings: Stanton, *American Race Relations*, Chapter 3 (“The Rule of Law and its Significance”); OPTIONAL: E.P. Thompson. “The Rule of Law,” in *Whigs and Hunters, The Origin of the Black Act* (1975); Kim Lane Scheppele, “Autocratic Legalism,” (2018).

Fifth Class: The Arc of History: Black-White Relations from 1619 to World War II and the Civil Rights Movement

Our circumstances today can best be understood by surveying the legal framework of the race-based plural society and its uneven progress since colonial times. The content of the law has evolved since slavery came to colonial America. There seems to be a ratchet-type effect: laws

governing race relations started at a low point in the 17th Century, progressed, and then moved backwards, but not to the past low point, and then progressed and receded and progressed again.

Readings: Stanton, *American Race Relations*, Chapter 4 (“Law and America’s Divided Society”); SKIM: Expert Opinion of Eric Foner (1999).

Sixth Class: Race Relations, the Role of Law, and Where We’re Heading

Especially since World War II, the United States seems finally to have been able to remove many laws and practices that had created barriers between races. Thanks to the rule of law the U.S. is farther along than many former colonies in overcoming social divisions. The history of the interplay of two fundamental concepts, the divided society and the rule of law, shows how the United States – especially in the context of other post-colonial societies -- has made significant progress. The pressing question becomes where we go from here. Our economic system is not well designed to offset past injustices and, especially after the advent of COVID, adequate government funds for social equity programs are unlikely to be available to the extent they were available in the past.

Readings: Stanton, *American Race Relations*, Chapter 5 (“Conclusion: Overcoming the Colonial History of America’s Divided Society”); Krysan and Crowder, “The Historical Roots of Segregation in the United States and the Need for a New Perspective,” (2017); McKinsey, “The economic impact of closing the racial wealth gap” (2019). OPTIONAL: Eduardo Porter, *American Poison: How Racial Hostility Destroyed our Promise* (Knopf, 2020). In class we will watch and discuss: Kimberly Jones, “How Can We Win?” available at: <https://www.youtube.com/watch?v=llci8MVh8J4>.