

RACE, ENTREPRENEURSHIP, & INEQUALITY
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
SPRING 2025 SYLLABUS – LAW 6939– 2 CREDITS

Professor Carliss Chatman

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Office Hours: My office hours are Tuesdays from 10 AM- Noon. You may sign up for a time slot as listed on my Calendly page: <https://calendly.com/cchatman/office-hours?month=2021-07>. You may email me questions or concerns at carliss.chatman@ufl.edu or call me on my cell at 832.729.5667. I will try to answer emails within 48 hours.

MEETING TIME: Tuesday, 1:15-3:15 PM

LOCATION: HH - 285A

COURSE DESCRIPTION AND OBJECTIVES:

The freedom to contract is a fundamental principle of capitalism and by extension American commerce. Over time, African-Americans have gone from being the object of these contracts—something to be conveyed as consideration along with livestock and other chattel—to gaining the freedom to be parties to contracts. However, Supreme Court jurisprudence, highlighted by landmark decisions such as *Dred Scott v. Stanford*, show that African-Americans are not equal participants in the marketplace, even when they are embodied with citizenship. The courts have minimized efforts to provide African-Americans with an equal freedom to contract following slavery, including the Reconstruction Amendments and federal legislation in 42 USC § 1981. Instead, these measures are disregarded to allow the restriction of African-American personhood and by extension the freedom to contract as persons by explicit white supremacy in the form of Jim Crow laws, and implicit white supremacy in societal ordering.

The inability to contract freely has played a role in economic disparity and the ability to engage in entrepreneurship. This seminar will engage personhood and freedom of contract to explore social and economic equity, with a focus on Black entrepreneurship. This seminar uses legal realism, law and economics, and critical legal studies to interrogate and examine these issues. It also contemplates how the economic theory of social choice is impacted by American racial standards, and whether this influence impacts the ability to rely on social choice for the generation of economic policy.

STUDENT LEARNING OUTCOMES:

At the end of this course, students should be able to:

- Identify foundational issues and categories of facially neutral racialized barriers to entrepreneurship
- Understand and explain the impact of race on entrepreneurship
- Develop and present well-reasoned legal arguments and counterarguments for contemporary challenges related to race and entrepreneurship
- Analyze critically social, political and legal issues
- Utilize a cross-cultural understanding of social, political, and legal issues
- Acquire an understanding of the social, political, economic, and legal contexts in which laws are created
- Acquire a deeper understanding of the import of historical and global forces to contemporary racial dynamics and racial inequities

- Apply critical race theoretical tenets as a viable lawyering, jurisprudential, and policy and decision-making technique
- Acquire an understanding of the role of a lawyer and the role of law in advancing racial equity and justice
- Acquire an understanding of the salience of race and ethnicity in our professional and personal identities.

REQUIRED READING MATERIALS:

While these 4 texts are assigned, I will upload the most important excerpts to Canvas. In addition, most are available as eBooks from the library:

Baradaran, M. (2017). *The color of money: Black banks and the racial wealth gap*. Harvard University Press.

Baptist, E.E. (2014). *The Half has Never Been Told*. Basic Books.

Brown, D.A. (2021). *The Whiteness of Wealth*. Crown.

Darity, Mullen, Hubbard (2024). *The Black Reparations Project*. California Press.

Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

COURSE EXPECTATIONS AND GRADING EVALUATION:

The seminar will be centered on interactive discussions. We will collaboratively tackle complex questions and consider multiple viewpoints on entrepreneurship and systemic factors that lead to disparities. The reading materials will include landmark cases, scholarly articles, books, videos, and podcasts. Each student is expected to sign up to co-lead at least one session during the semester. These presentations should be about 10 minutes and not longer than 15 minutes. Additionally, students must write three brief responses to the readings as indicated on Canvas.

For the final assignment, students will have the option of writing a paper to satisfy the Advanced Writing Requirement (defined below) or by completing a project. Students will give presentations on their final paper topics or projects. A final paper could take the form of a white paper, amicus brief, or traditional law review paper. I will provide a list of paper suggestions in a separate document. Student projects should be related to the materials covered in the course and can take many forms. These include, but are not limited to

- writing proposed legislation
- making proposals, with explanatory memos, regarding how to resolve an issue that perpetuates racial economic inequality (e.g. access to venture capital funds);
- creating an economic inequality program and accompanying it with a memo of implementation (for undergraduates, high school, middle school, elementary school, retirement communities);
- doing field work and writing a report on a racial economic inequality issue (licensing requirements, capital requirements, zoning);
- presentation and analysis of how a particular state practice perpetuates the racial wealth gap and economic inequality.

Students will be evaluated based upon the following:

- Response papers (20%)

- Participation and presentations (including leading class and presenting final paper or project) (20%)
- Final project or paper (60%)

ADVANCED WRITING REQUIREMENT:

This seminar is structured in such a way as to satisfy the College of Law’s Advanced Writing Requirement. According to the Faculty Handbook, “All J.D. candidates must complete—under close faculty supervision—a major, written product that shows evidence of original scholarship based on individual research. Students often satisfy this requirement in a seminar course. If fulfilled in an advanced course, the required writing may take the form of one or a number of finished written products that together demonstrate these qualities. The general standard for fulfillment of the advanced writing requirement is one or more papers that are cumulatively at least 25 pages of double-spaced, 12-point text or the equivalent.”

CLASSROOM ENVIRONMENT/GROUND RULES FOR CLASS DISCUSSION:

I aim for a collegial, cooperative, and civil classroom atmosphere in which students feel welcome and supported in discussing and debating the various issues about gender and law raised by the works-in-progress and related readings. As we read and discuss works that raise a number of significant issues relating to race and law, including how race intersects with other categories, we will be examining arguments about law and law reform in such areas. Some of these topics are sensitive and controversial. We need to aim for the highest standards of professionalism and respect in our engagement with each other. You are invited to engage and disagree in thoughtful discussions about law and policy. Avoid any attacks on people or groups. Please let me know if you have concerns about the classroom environment: I want all students to feel welcome and that we are engaged in a constructive enterprise together.

CLASS ATTENDANCE AND MAKEUP POLICY:

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are responsible for ensuring that they are not recorded as absent if they come in late. A student who fails to meet the attendance requirement will be dropped from the course. The law school’s policy on attendance can be found [here](#).

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each weekly class is approximately 2 hours in length, requiring at least **4 hours of preparation** outside of class including reading the assigned materials, writing critical analyses, and developing your final paper.

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COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

Date	Class	Topics and Readings	Assignments & Notes
Jan. 14	Lesson 1	<p>The Intersection of Slavery and Capitalism 42 USC 1981</p> <p>Baptist, E.E. (2014). <i>The Half has Never Been Told</i>. Basic Books. Introduction and Chapter 7 (pgs. xv-xxix; 215-259).</p> <p><i>Dred Scott v. Sandford</i>, 60 U.S. 393 (1857)</p> <p><i>Plessy v. Ferguson</i>, 163 U.S. 537 (1896)</p>	Complete signup for leading class discussions
Jan. 21	Lesson 2	<p>Slavery, Capitalism, and the State of the Modern Entrepreneur “Access to Capital for Entrepreneurs: Removing Barriers.”</p> <p>Bretton Putter “The Venture Capital Blind Spot”</p> <p>“How Venture Capital Works”</p> <p>Access to Financial Capital among U.S. Businesses: The Case of African American Firms Author(s): Alicia M. Robb and Robert W. Fairlie Source: <i>The Annals of the American Academy of Political and Social Science</i>, Sep., 2007, Vol. 613, Advancing Research on Minority Entrepreneurship (Sep., 2007), pp. 47-72</p> <p>Kathryn Boodry, “August Belmont and the World the Slaves Made,” in Beckert, S. & S. Rockman, eds. (2016). <i>Slavery’s Capitalism: A New History of American Economic Development</i>. U Penn Press. Pgs. 163-178 (Chapter 7).</p>	CANCELLED CLASS: watch video and complete response paper as instructed on CANVAS
Jan. 28	Lesson 3	<p>The Intersection of Slavery and Capitalism Concluded De La Fuente, A. & Gross. (2020). <i>A. Becoming Black, Becoming Free: Race, Freedom, and Law in Cuba, Virginia and Louisiana</i>. Cambridge U. Press. Pgs. 1-38, 219-224.</p> <p>Matthew Desmond, “Capitalism” in Hannah-Jones, N., Roper, C., Silverman, I., & Silverstein, J. eds. <i>The 1619 Project</i>. (2021). One World Press. Pgs. 165-185.</p>	
Feb. 4	Lesson 4	<p>Contracting, Banking, and Access to Credit Dylan C. Penningroth, <i>Race in Contract Law</i>, U. Pa. L. Rev. 1199 (2022)</p>	Submit paper or project proposal

Date	Class	Topics and Readings	Assignments & Notes
		<p>Derrick A. Bell, <i>Brown v. Board of Education and the Interest-Convergence Dilemma</i>, 93 Harv. L. Rev 518 (1980)</p> <p>Deborah Zalesne, <i>Racial Inequality in Contracting: Teaching Race as a Core Value</i>, 3 Colum. J. Race & L. 23 (2013)</p> <p>(https://journals.library.columbia.edu/index.php/cjrl/article/view/2278)</p> <p>Elizabeth C. Tippet, <i>Enslaved Agents: Business Transactions Negotiated by Slaves in the Antebellum South</i>, 63 Ariz. L. Rev. 923 (2021)</p>	
Feb. 11	Lesson 5	<p>Contracting, Banking, and Access to Credit Continued</p> <p>Mehrsa Baradaran, <i>The color of money: Black banks and the racial wealth gap</i> (pgs. TBD)</p>	Complete response paper as instructed on CANVAS
Feb. 18	Lesson 6	<p>Contracting, Banking, and Access to Credit Concluded</p> <p>Mehrsa Baradaran, <i>Jim Crow Credit</i>, 9 UC IRVINE L. REV. 887 (2019).</p> <p>Mehrsa Baradaran, <i>Banking on Democracy</i>, 98 Wash. U. L. REV. 353 (2020).</p>	
Feb. 25	Lesson 7	<p>Facially Neutral Racialized Barriers</p> <p>Brown, D.A. (2021). <i>The Whiteness of Wealth</i>. Crown. Introduction, Chapter 3, Chapter 5 (pgs. 3-28, 96-131, 166-199).</p>	
March 4	Lesson 8	<p>Facially Neutral Racialized Barriers Continued</p> <p>Oil and Blood: The Color of Wealth in Tulsa, Oklahoma</p> <p>Black Wall Street of the South: From Reconstruction to the Pandemic</p> <p>What we Got Wrong About Closing the Racial Wealth Gap</p> <p>Angela Mae Kupenda, <i>Negotiating a Metaphorical Contract between Blacker and Whiter America</i>, 37 U. Mem. L. Rev. 707 (2007).</p>	Complete response paper as instructed on CANVAS
March 11	Lesson 9	<p>Facially Neutral Racialized Barriers Concluded</p> <p>Robert W. Fairlie and Alicia M. Robb, <i>Race and Entrepreneurial Success: Black-, Asian-, and White-Owned Businesses in the United States</i></p> <p>Cheryl L. Wade, <i>African-American Entrepreneurs: Integration, Education, and Exclusion</i>, 32 W. NEW ENG. L. REV. 483 (2010).</p>	

Date	Class	Topics and Readings	Assignments & Notes
		Jen-L A. Wong, <i>Adarand Constructors Inc. v. Pena: A Color-Blind Remedy Eliminating Racial Preferences</i> , 18 U. HAW. L. REV. 939 (1996).	
March 25	Lesson 10	Reparations and Other Solutions Darity, Mullen, Hubbard (2024). <i>The Black Reparations Project</i> . (pgs TBD)	
April 1	Lesson 11	Reparations and Other Solutions Concluded K.J. Greene, “ <i>Copynorms</i> ,” <i>Black Cultural Production, and the Debate Over African-American Reparations</i> , 25 Cardozo Arts & Ent. 1179 (2008) Martha M. Ertman, <i>Reparations for Racial Wealth Disparities as Remedy for Social Contract Breach</i> , 85 Law and Contemp. Probs. 231 (2022)	Complete response paper as instructed on CANVAS
April 8	Lesson 12	Class Presentations	
April 15	Lesson 13	Class Presentations	