BLACK LAW STUDENTS' ASSOCIATION OF CANADA
L'ASSOCIATION DES ÉTUDIANTS NOIRS EN DROIT DU CANADA

September 29, 2022

Dear Participants,

The Julius Alexander Isaac Moot for the 2022/2023 academic year explores anti-Black racism and sentencing.[1] It is a fictional appeal of the Ontario Court of Appeal's ruling in *R v Morris*[2] to the Diversity High Court of Canada (DHCC). Details regarding the procedure and substance of the Moot follow.

1. Procedure

a) Overview

The Moot will consist of a fictional appeal from the Ontario Court of Appeal's *Morris* decision to the DHCC. The nature of argumentation, issues, deadlines, and facta format relating to this appeal are described below.

b) Nature of Argumentation

At the DHCC, all Canadian doctrine is only persuasive, not binding (though the established hierarchy of precedents in Canadian law still inform how persuasive that doctrine is, e.g., higher court decisions are more persuasive than lower court decisions). Further, the Moot—unlike conventional courts—places equal weight on arguments rooted in doctrine and theory. To this end, parties to the appeal must include at least one argument based in doctrine (e.g., jurisprudence and statutes) and one argument based in theory (e.g., critical race scholarship) in their written and oral submissions. **Failure to follow this rule will lead to disqualification from the final rounds of the Moot.** With this in mind, parties should be clear—in both written and oral argument—regarding the classification of their various arguments as either doctrine or theory arguments. The

[1] The author thanks Maria Dugas for helpful feedback on an earlier draft of this Moot Problem and Power Law students Alex-Ann Rousseau, Marie-Michèle Simard, and Malorie Kanaan, as well as the Black Law Students' Association of Canada, for their exceptional research assistance in preparing this Moot Problem.
[2] 2021 ONCA 680 [*Morris*].

easiest way to do this will be to label arguments in their overview (oral) and table of contents (written) as "Theory Argument 1: …" and "Doctrine Argument 1: …". Subject to this requirement of advancing at least one doctrine and one theory argument, parties can have as few or as many arguments as they consider most persuasive to advance their client's position.

Whereas "doctrine arguments" typically operate from inside the current legal system, "theory arguments" typically operate from outside the current legal system, question its underlying assumptions, and seek to reveal deeper insights into the ways in which the existing legal structure may sustain and perpetuate white supremacy. In other words, theoretical arguments in the Moot do not necessarily replicate the kinds of theoretical arguments that one might make to an actual court in the Canadian legal system. Rather, theoretical arguments, here, are sound so long as they advance your client's position, even if they are the sort of argument that a real court would reject out of hand by virtue of it, for example, questioning the very validity of the process or governing legal frameworks at issue. In this way, theory arguments have substantial flexibility in terms of their potential for innovative and creative reasoning. Does challenging sentencing disparities ultimately legitimize sentencing in general as a legitimate form of social control? Is using the proxy of race, rather than, for example, class, a technique that may obscure the processes through which disparate sentences are imposed? Could shorter sentences imposed with greater conditions/surveillance perversely expand, not contract, the reach of the carceral state? The sky's the limit!

To be clear, a doctrine argument need not be entirely divorced from theory, and vice versa—indeed, doctrine and theory are inseverable. However, the thrust of a doctrine argument must be rooted in reference to traditional legal authorities, whereas the thrust of a theory argument is normative, i.e., it concerns what Canadian law should be, not what it is. And, to the extent theory arguments are rooted in reference to authority, that authority is principally theoretical scholarship.

c) Issues in the Appeal

The issues in this appeal include both doctrinal and theoretical issues. The doctrinal issue is listed below, whereas the theoretical issues are determined by the mooters.

The sole doctrinal issue in this appeal is "how trial judges should take evidence of anti-Black racism into account on sentencing."[3]

For maximum clarity: **No doctrinal arguments concerning standing will be entertained in the Moot.**

[3] *Ibid* at para 1.

In contrast, the theoretical issues that may be raised in this appeal are not pre-ordained. Rather, it is up to participants—both Appellants and Respondents—to think creatively about how the existing legal system can be critiqued (positively or negatively) in a manner favourable to their client. For example, a theoretical issue on appeal could be any of the following:

- Whether sentencing-based reforms should be abandoned as a method for promoting racial justice given the systemic failure of *Gladue*[4] and *Ipeelee*[5] to reduce Indigenous mass incarceration
- Whether sentencing-based reforms, while worthwhile in isolation, should be rejected because they ultimately undermine broader calls for prison abolition
- Whether race-based sentencing reforms overemphasize race to the exclusion of other more pressing structural disparities such as class and disability
- Whether the sentencing principle of deterrence should be removed from the *Criminal Code* given the substantial body of evidence against harsh sentences having a deterrent effect
- Whether the *Criminal Code*[6] should be amended to formally recognize the over-incarceration of Black offenders
- Whether all attempts at specific sentencing principles concerning Black offenders should be dismissed for displacing the singular significance of Indigenous mass incarceration in Canada
- Whether all offenders—regardless of race—should have a social context report produced for the purpose of their sentencing
- Whether resources invested in social context reports would be better invested in the communities most impacted by over-policing and over-incarceration

Ultimately, as long as an argument seeks to challenge the Decision below, it is properly advanced by the Appellant (Kevin Morris), whereas the Respondent (His Majesty the King) may advance any arguments seeking to uphold that Decision.

Since the doctrinal issue is the same for all parties, arguments on those issues will be aligned. The theoretical issues, however, will be chosen by the mooters. In consequence, arguments on the theoretical issues may not be aligned in any particular moot. Do not worry about this! There will be no requirement for a Respondent's factum or oral submissions to engage with the theoretical issues that happen to be raised by the Appellants they moot against (and vice versa), though they are welcome to incorporate such a response into their oral submissions.

[4] [1999] 1 SCR 688.
[5] 2012 SCC 13.
[6] RSC, 1985, c C-46.

d) Deadlines

The following deadlines will be strictly enforced by the Moot Coordinators:

- Appellant's and Respondent's factum due: **Friday, January 6, 2023**
- Moot competition: **Thursday, February 2, 2023 – Saturday, February 4, 2023**

e) Facta Format

All Facta should conform with the formatting requirements summarized in the Moot Rules.

2. Substance

The doctrinal foundation for the Moot is the *Morris* Decision. However, its theoretical foundation is briefly summarized here. I first discuss Critical Race Theory (CRT) generally, and then race and sentencing specifically.

The discussion below goes into some detail about CRT and sentencing. For clarity, though, theory arguments in the Moot need not cite extensive scholarship. Rather, they should engage with themes characteristic of critical race scholarship. There are examples of CRT scholarship cited in the footnotes below, which may be helpful. In addition, there is plenty scholarship—much of which I would consider aligning with the CRT tradition—specifically exploring the issue of race and sentencing, cited in the footnotes below. Reference to some of this scholarship is sufficient for competition in the Moot, but additional research is always encouraged and students should in no way feel limited to the theoretical authorities or perspectives cited in this Moot Problem. That said, the scrutiny of theory arguments will rest principally on the extent to which they raise thoughtful insights about race and law, while also furthering your client's case, not on a tally of how many different scholars or articles happen to be cited.

a) What is CRT?

CRT is an academic field of inquiry interested in the intersection of law and racial inequality.[7] It defies narrow definition. But one could say it interrogates racial truth, i.e., that it challenges established conservative—and even liberal[8]—interpretations of law and society. As Derrick Bell, the "intellectual forefather of CRT",[9] explains: "critical race theory recognizes that revolutionizing a culture begins with the radical assessment of it."[10]

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[7] Khiara M Bridges, *Critical Race Theory: A Primer* (New York: Foundation Press, 2019) at 7.
[8] *Ibid* at 12-13.
[9] *Ibid*.
[10] Derrick A Bell, "Who's Afraid of Critical Race Theory" (1995) 1995:4 U Ill L Rev 893 at 893.

It would be incomplete to claim that critical race theory—or, given its multiplicity, critical race theories[11]—does not reflect any ideological leaning (indeed, every movement does). And CRT is a generally "progressive" ideological movement. In the words of one of its founding theorists, Kimberlé Crenshaw, CRT represents a "left intervention into race discourse and a race intervention into left discourse."[12]

More precisely, CRT can be understood in opposition with "post-racialism"—whereas post-racialism claims that race does not play an explanatory role in our current society, CRT counterclaims that race not only plays such a role in society, but further, that powerful forces (like law) assist race in playing that role.[13] For example, in Canada, violence committed by white men is typically characterized by initial media reporting as relating to mental health, whereas violence by Muslim Canadians is quickly characterized as relating to terrorism.[14] A post-racial lens would say that race simply describes the demographics of terrorist actors; CRT, in contrast, would say that race explains how we define terrorism.

Simply put, if you are critically thinking about race and law, then one could say you are, in effect, doing critical race theory.[15] And that is the intent of the Isaac Moot: to encourage participants to dig deeper into the ambivalence of our legal structures—how they may maintain and perpetuate racial hierarchy in some circumstances, yet mitigate against that hierarchy in others. The ultimate goal is to encourage creativity and imagination, hallmarks of CRT. With that in mind, participants should not feel pressured to follow any particular "methodology" or reach any particular "conclusion" in their arguments to remain faithful to CRT—indeed, CRT prescribes neither.[16]

CRT is not only relevant to critique of law; it also informs a nuanced understanding of existing legal doctrine itself. To be sure, American equality jurisprudence adopts the post-racial view that historic examples of racist policy (e.g., racially segregated public institutions) and contemporary examples of anti-racist policy (e.g., affirmative action) should be viewed with equal constitutional

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[11] I say this because CRT is not a *scientific* theory, but rather, a *social* theory best described as "many theories" roughly united around a core "belief in an opposition to oppression." See Jerome McCristal Culp Jr, "To the Bone: Race and White Privilege" (1999) 83:6 Minn L Rev 1637 at 1638.
[12] Kimberlé Crenshaw et al., eds, *Critical Race Theory: The Key Writings That Formed the Movement* (New York: New Press, 1995) at xix.
[13] Bridges, *supra* note 7 at 5-7.
[14] See e.g. Jasmeet Bahia, "London terror attack: Canadians have become desensitized to violence against Muslims" (9 June 2021), online: *The Conversation* < https://theconversation.com/london-terror-attack-canadians-have-become-desensitized-to-violence-against-muslims-162392 >. This same distinction has likewise been noted in the United States. See e.g. Bridges, *supra* note 7 at 1-2.
[15] Bridges, *supra* note 7 at 9.
[16] *Ibid* at 11.

skepticism,[17] a view perhaps most famously articulated by Chief Justice Roberts' concurring opinion in *Parents Involved in Community Schools v Seattle*: "The way to stop discrimination on the basis of race is to stop discriminating on the basis of race."[18] However, the *Canadian Charter of Rights and Freedoms,* in stark contrast, specifically permits affirmative action.[19] And when the Supreme Court in *R v Le* held that a proper s. 9 detention analysis must consider "the larger, historic and social context of race relations between the police and the various racial groups and individuals in our society",[20] the highest court in our country is, in a sense, doing CRT as well.

CRT analysis is not easy. But this complexity corresponds to the fluidity of its subject. Racial logic is agile; it evolves over time to evade detection. Whereas state-sanctioned racism was predominantly overt historically, changing etiquettes now redesign the modalities of racism into more subtle forms. Before, society was explicitly anti-Black. Now, one might argue we are simply pro-merit[21] or pro-patriotism.[22] Decoding these evolving forms of racism is, according to many CRT scholars, central to contemporary anti-racist projects.

Conventionally, we think of race as a concept related to identity, e.g., Black people and white people. But race is more a process (verb) than a person (noun).[23] As Kendall Thomas, another founding CRT thinker, writes: "we are 'raced' through a constellation of practices that construct and control racial subjectivities."[24] With this in mind, participants are encouraged to reflect on the subtle ways in which race is mobilized to sort—and subjugate—certain groups within society. And, in particular, participants are encouraged to think deeply about how sentencing is a location imbued with racial meaning and where racial hierarchy is perpetuated and sustained. What racial

[17] See e.g. *Adarand Constructors, Inc. v Peña*, [1995] 515 US 200. There is extensive CRT scholarship critiquing race-neutral (or "colorblind") conceptualizations of equality. See e.g. Neil Gotanda, "A Critique of 'Our Constitution is Color Blind'" in Crenshaw et al, eds, *Critical Race Theory*, *supra* note 12; Lani Guinier & Gerald Torres, "A Critique of Colorblindness" in *The Miner's Canary: Enlisting Race, Resisting Power, Transforming Democracy* (Cambridge, Massachusetts: Harvard University Press, 2002) 32.
[18][2007] 551 US 701 at 748.
[19] *Canadian Charter of Rights and Freedoms*, s 15(2), Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982 c 11.
[20] *R v Le*, 2019 SCC 34 at para 76.
[21] Bret Stephens, "Diversity, Inclusion and Anti-Excellence" (2 August 2019), online: *The New York Times* < https://www.nytimes.com/2019/08/02/opinion/university-campus-diveristy-inclusion-free-speech.html >.
[22] Sally Jenkins, "Colin Kaepernick reminds us that dissent is a form of patriotism too" (8 September 2016), online: *The Washington Post* < https://www.washingtonpost.com/sports/redskins/colin-kaepernick-reminds-us-that-dissent-is-a-form-of-patriotism-too/2016/09/08/053830aa-75e4-11e6-8149-b8d05321db62_story.html >.
[23] Charles R. Lawrence II., "If He Hollers Let Him Go: Regulating Racist Speech on Campus" (1990) 1990:3 Duke LJ 431 at 443, n 52.
[24] Kendall Thomas, "The Eclipse of Reason: A Rhetorical Reading of Bowers v. Hardwick" (1993) 79:7 Va L Rev 1805 at 1806-07.

disparities exist in criminal sentencing? What factors contribute to those disparities? What is the relationship between those disparities, intergenerational legacies of dispossession, and ongoing practices of subordination? In other words, how does criminal sentencing shape not only the mass incarceration of racial minorities, but further, our understanding of what "criminality" means in Canada?

b) What is the Relationship between Race and Sentencing?

Racial disparities in criminal punishment are well-documented. For example:

- Indigenous people are 5% of the country's population, but over 30% of federal inmates;[25]
- Indigenous women are a staggering 43% of federal inmates[26] and 98% of women in custody in Saskatchewan;[27]
- Black people are 3% of the country's population, but 8.6% of the federal inmates;[28]
- Black Torontonians are 8.8% of the city's population, but 29% of police use of force cases, 36% of cases involving shootings, 61.5% of fatal police encounters, and 70% of fatal police shootings;[29]
- Indigenous and Black offenders are placed at higher security levels on admission into custody at twice the average rate of other offenders;[30] and
- Black inmates also have harsher experiences while incarcerated—they, for example, account for 51% of use of force incidents, while representing only 37% of the prison population and 8.5% of the Canadian population.[31]

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[25] Canada, Minister of National Defence Advisory Panel on Systemic Racism and Discrimination with a focus on Anti-Indigenous and Anti-Black Racism, LGBTQ2+ Prejudice, Gender Bias, and White Supremacy, *Final Report* (January 2022) [*Canada, Minister of National Defence Advisory Panel on Systemic Racism and Discrimination*].
[26] Canada, Office of the Correctional Investigator, *Annual Report 2020-2021*, (February 2022) at 24 [*Canada, Office of the Correctional Investigator*, "Annual Report"].
[27] Canada, Minister of National Defence Advisory Panel on Systemic Racism and Discrimination, *supra* note 24 at 3, citing APTN, "'Institutionalized racism' behind over-representation of Indigenous people in prisons" (29 January 2020) online: *APTN NEW* <'Institutionalized racism' behind over-representation of Indigenous people in prisons - APTN News>.
[28] Canada, Office of the Correctional Investigator, *A Case Study of Diversity in Corrections: The Black Inmate Experience in Federal Penitentiaries: Final Report*, [Canada, Office of the Correctional Investigator, "A Case Study of Diversity in Corrections"]
[29] Ontario Human Rights Commission, *A Collective Impact: Interim report on the inquiry into racial profiling and racial discrimination of Black persons by the Toronto Police Service*, (November 2018).
[30] Canada, Office of the Auditor General of Canada, *Report 4— Systemic Barriers — Correctional Service Canada*, (2022).
[31] *Canada, Office of the Correctional Investigator*, "Annual Report", *supra* note 25 at 15.

These disparities have led many scholars—though not all[32]—to argue that race should, in some way, be accounted for in sentencing.[33] Kent Roach, Benjamin Berger, Emma Cunliffe, and Asad Kiyani observe that "no understanding of sentencing and punishment [is] possible without attention to the overincarceration of Indigenous peoples."[34] And with respect to Black offenders, Maria Dugas observes that "pervasive, systemic anti-Black racism that permeates our institutions and social structures" helps to explain the overincarceration of Black people in Canada.[35] As Robyn Maynard outlines:

> The intensity and scale of policing has dramatically ramped up in the past 50 years as part of long-standing domestic warfare against Black communities. Essential to this movement was the 1980s "war on drugs," which intensified the scope and scale of law enforcement powers over Black communities and cemented the practice of racial profiling. The effects of this escalation are visible in the dramatic rates of Black incarceration in federal prisons.[36]

This social context of racial inequality and scholarship on race and sentencing has been met with recent appellate jurisprudence concerning the ways in which courts may account for race in the sentencing of Black offenders. In *Morris*—the subject of this moot—the Ontario Court of Appeal addressed "how trial judges should take evidence of anti-Black racism into account on sentencing."[37] And in *R v Anderson*, the Nova Scotia Court of Appeal provided "guidance for courts tasked with applying the principles of sentencing to offenders … who are of African

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[32] Michael C. Plaxton, "Nagging Doubts About the Use of Race (and Racism) in Sentencing" (2003) 8 CR (6th) 299.
[33] Maria C. Dugas, "Committing to Justice: The Case for Impact of Race and Culture Assessments in Sentencing African Canadian Offenders" (2020) 43:1 Dal LJ 103; Danardo Jones, *Punishing Black Bodies in Canada: Making Blackness Visible in Criminal Sentencing* (LL.M. Thesis, York University, 2020); David M. Tanovich, "Race, Sentencing and the 'War on Drugs'" (2004) 22 Criminal Reports 45; Dale E. Ives, "Inequality, Crime and Sentencing: Borde, Hamilton and the Relevance of Social Disadvantage in Canadian Sentencing Law" (2004) 30 Queen's LJ 114; Kareem L. Jordan & Tina L. Freiburger, "The Effect of Race/Ethnicity on Sentencing: Examining Sentence Type, Jail Length, and Prison Length" (2015) 13:3 J Ethnicity Crim Just 179; Amanda M. Petersen, "Complicating Race: Afrocentric Facial Feature Bias and Prison Sentencing in Oregon" (2017) 7:1 Race & Just 59; Anne-Marie Singh & Jane B. Sprott, "Race Matters: Public Views on Sentencing" (2017) 59:3 Can J Corr 285; Katrina Rebecca Bloch et al.,"The Intersection of Race and Gender: An Examination of Sentencing Outcomes in North Carolina" (2014) 27:4 Crim; Besiki L. Kutateladze et al., "Cumulative Disadvantage: Examining Racial and Ethnic Disparity in Prosecution and Sentencing" (2014) 52:3 Criminology 514; The Sentencing Project, *Report of The Sentencing Project to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance*, (March 2018).
[34] Kent Roach et al., *Criminal Law and Procedure: Cases and Materials*, 12th ed (Toronto: Emond Publishing, 2020), at 7.
[35] Dugas, *supra* note 33 at 107.
[36] Robyn Maynard, "Police Abolition/Black Revolt" (2020) 41:36 Can J of Cultural Studies 70 at 72.
[37] *Morris*, *supra* note 2 at para 1.

descent."[38] Both *Morris*[39] and *Anderson*[40] have been repeatedly cited, in a burgeoning discourse surrounding race and sentencing in Canada. Indeed, on the morning I completed a final revision of this Moot Problem, I learned that criminal defence lawyer Theresa Donkor, in collaboration with the Sentencing and Parole Project,[41] secured a conditional sentence and probation for a youthful first offender in what would typically be a sentencing range of 3-5 years for importing one kilogram of cocaine.[42] In Chris Rudnicki's words, commenting on the sentence: "We are living in a new world. Systemic anti-Black racism is deeply relevant to moral culpability. Its impact can take a defendant … well outside the historical range of sentence in an appropriate case."[43] Consequently, by participating in this year's Isaac Moot, you, too, will be helping shape this emerging conversation about reckoning with the criminal punishment system's ongoing complicity in the maintenance of racial hierarchy in Canada.

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[38] *R v Anderson*, 2021 NSCA 62 at para 2.

[39] *R v T.M.*, 2022 ONSC 4976 at para 55; *R v Gregory*, 2022 ONSC 4985 at para 52; *R v H.B.*, 2022 ONSC 4858 at para 25; *R v Davis-Ball*, 2022 ONCJ 375 at para 27; *Toussaint v Canada (Attorney General)*, 2022 ONSC 4747 at para 71; *Logan v Ontario (Solicitor General)*, 2022 HRTO 1004 at para 70; *R v Fraser*, 2022 NSSC 215 at para 53; *R v A.A.*, 2022 ONSC 4310 at para 46; *R v Kongolo*, 2022 ONSC 3891 at para 57; *R v Jeffery*, 2022 ONSC 3828 at para 26; *R v A.H.K*, 2022 BCSC 1563 at para 70; *R v Musara*, 2022 ONSC 3190 at para 354; *R v Tremblay*, 2022 ONSC 2983 at para 51; *R v Martin*, 2022 ONSC 2354 at para 27; *R v McCue*, 2022 ONCJ 118 at para 24; *R v Holland*, 2022 ONSC 1540 at para 15; *R v S.F.M.*, 2022 NSSC 90 at para 93; *R v Chol*, 2022 ABPC 41 at para 12; *R v Williams*, 2022 ONCJ 57 at para 36; *R v Donison*, 2022 ONSC 741 at para 29; *R v Virus*, 2022 BCPC 11 at para 7; *R v McQuinn*, 2022 ONSC 374 at para 50; Guo (Re), 2022 LSBC 3 at para 129; *R v Jolly*, 2022 ONCJ 3 at para 64; *R v Smith*, 2021 ONSC 8405 at para 103; *R v Davis*, 2021 ONSC 8163 at para 45; *R v Ahmed*, 2021 ONSC 8157 at para 21; *Umolo v Shoppers Drug Mart and others*, 2021 BCHRT 166 at para 32; *R v Daley*, 2021 ONSC 7678 at para 85; *R v Tabnor*, 2021 ONSC 8549 at para 10; *R v Morgan*, 2021 NLPC 1321A00027 at para 3; *R v Carter*, 2021 ONCJ 561 at para 24; *R v N.M.*, 2021 ONCJ 617 at para 59; *R v Lewis*, 2022 ONCJ 29 at para 42.

[40] *R c Berlingieri*, 2022 QCCQ 1240 at para 29; *R v Steed*, 2021 NSSC 71 at para 159; *R v Laing*, 2021 NSPC 14 at para 78.

[41] Sentencing and Parole Project, online: https://sentencingproject.ca/.

[42] *R v Kelly*, 2022 ONSC 5500; Theresa Donkor, "Last month, @chrisrudnicki_ gave me the chance to make oral submissions on the impact of systemic anti-Black racism at a sentencing hearing in an effort to get our client a very unlikely but much deserved conditional sentence. Yesterday, she received that conditional sentence!!" (29 September 2022 at 8:49), online: *Twitter* <https://twitter.com/theresaadonkor/status/1575467811425624064?s=20&t=yF51uBQd8pvy6Llyi7Y4jw>.

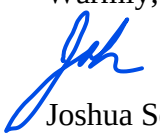
[43] Chris Rudnicki, "We are living in a new world. Systemic anti-Black racism is deeply relevant to moral culpability. Its impact can take a defendant outside well outside the historical range of sentence in an appropriate case." (29 September 2022 at 9:17), online: *Twitter* <https://twitter.com/chrisrudnicki_/status/1575474787853516800?s=20&t=yF51uBQd8pvy6Llyi7Y4jw>.

3. A Parting Note

Khiara Bridges writes that "CRT is dedicated to the production of politically engaged scholarship."[44] This Moot, relatedly, is dedicated to the production of politically engaged lawyers. And, more specifically, lawyers who are politically engaged with respect to questions regarding law and racial inequality.

The structure of this Moot may make some participants uneasy, or uncomfortable. Law schools often emphasize doctrine over theory, and law over justice. But certain forms of oppression simply cannot be fully understood by the limited imagination of traditional legal discourse. The law, by its very nature, demands clear dispositions: a winner and a loser. Human thought and activity, in contrast, is anything but clear. Racism is subtle. And race is vague. While this Moot is unconventional, I encourage participants to lean into their discomfort and begin to think more critically—and imaginatively—about race and law. It is only through critical theoretical thought, and active creativity, that deeper insights about racial hierarchy can be generated and explored. Ultimately, the goal with this Moot is for participants to work hard, think deeply, and enjoy engaging with complex questions at the forefront of Canadian political and legal discourse. So, thank you for competing in the Isaac Moot. Your mere participation is a significant commitment to driving forward Canada's racial discourse in law.

Warmly,



Joshua Sealy-Harrington, B.Sc. (Mathematics), LL.M.
Assistant Professor, Lincoln Alexander School of Law at Toronto Metropolitan University
J.S.D. Candidate, Columbia Law School
Counsel, Power Law

[44] Bridges, *supra* note 7 at 14.