Syllabus
SOC6106, Summer 2023
Sociology of Crime & Law II: Law, Race, and Racism
as of March 15, 2023

Course and Instructor Information
Instructors: Prof. Ellen Berrey and Prof. Camisha Sibblis
Location: Room 240, 725 Spadina Ave.
Date/Time: May 2 - May 30, 2023; Tu/Thurs, noon - 2:45,
Office hours and location: By appointment. Room 352, 725 Spadina Ave.
Email: ellen.berrey@utoronto.ca and c.sibblis@utoronto.ca

Evaluation Components

<table>
<thead>
<tr>
<th>Evaluation Components</th>
<th>% of Final Grade</th>
<th>Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reading memos (8 memos)</td>
<td>3% each, 24% total</td>
<td>Ongoing: by 8am each day class meets</td>
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<tr>
<td>In-class participation</td>
<td>15%</td>
<td>Ongoing</td>
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<tr>
<td>Reading provocations</td>
<td>10%</td>
<td>ongoing</td>
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<tr>
<td>In-class presentation of proposal draft</td>
<td>6%</td>
<td>Tues. May 16, noon</td>
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<tr>
<td>Paper proposal</td>
<td>10%</td>
<td>Sun. May 21, 11:59pm</td>
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<tr>
<td>Final paper</td>
<td>35%</td>
<td>Thurs. June 8, 11:59pm</td>
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Readings
Required books (not available as ebooks in the UofT Library):

Other readings are linked in the syllabus (to online sources in the UofT library or elsewhere) or posted on Quercus.

Course Description
This graduate-level seminar explores the topics of the law, race, and racism. We will engage through close readings, discussion, and writing on sociological and cross-disciplinary socio-legal scholarship. The course starts from the premise that law creates race for the purposes of legitimating and perpetuating racism but can, under some conditions, generate social change that reduces racial inequality. The course covers both civil and criminal law, although more emphasis
is put on civil law given that the department offers courses on criminology. Many readings incorporate a historical perspective. This is because the contemporary legal and social dynamics of racism usually cannot be adequately analyzed apart from their history. There is flexibility in the topics we cover in the final class meeting.

**Class Structure and Reading**

This is a very intensive discussion-based course. We will cover a lot of material in a very condensed time span. *You should only take this course if you can commit your attention and time to it in the month of May.*

Camisha and Ellen will deliver some mini-lectures to provide context and background, but our primary role is to facilitate the conversation. Students will also facilitate discussion on some specific readings. Please arrive at each class meeting having read all the class readings and prepared to discuss them. The overall delivery of this seminar-style course is to support your integration of knowledge using a reflective and participatory approach.

Most readings are linked on the syllabus to the UofT library. Any others are on Quercus Files - Readings. Some readings are from the Crime and Law comprehensive examination reading list (*will be marked with *). Some readings are on the Colonization, Racialization, Indigeneity comprehensive exam list, as well (*will be marked with **).

**Reflexivity in Teaching and Studying Law, Race, and Racism**

Reflection, reflexivity, and understanding of our own positionality are necessary for honest, productive engagement. Critical and marginalized scholars have stressed the importance of reflexively situating our scholarly selves in our social and historical context. We each bring our respective experiences and approaches to graduate classes:

*From Camisha*

I was born and raised in Canada, having interfaced with the various social systems here quite intimately as a service user. These are experiences that I weave into my research and pedagogy. I am also a Black woman, and a mother of Black boys and a girl – who also have Canadian indigenous status. I have worked within and at the interstices of the major social institutions. I have worked in child welfare, I have worked with Family Law as a clinical agent for the Office of the Children’s Lawyer and also in criminal justice, I am a court qualified expert in Black identity and anti-Black racism (ABR) as it intersects with social institutions. I get called to speak with authority on race and racism in society, businesses, criminal justice and policing, education, child welfare. So as a Black scholar and social scientist, I am not a disimplicated body and it is these multiple locations that inform my teaching. My research focus is Blackness in the Canadian context, with attention to the intersection of Black identities, experiences, and communities with Canadian criminal justice, education, and social welfare institutions. I interrogate the ways in which the Black racialization process, in the Americas broadly and Canada specifically, has worked to marginalize and dehumanize its targets – Black people.

In my classes, I do not make pretentious presumptions about my ability to create a safe space for students, in recognition that the classroom is not a priori a safe space for me, as a young Black woman educator. I believe that the assertion that a safe space is being created while teaching
anything in the social realm including education, is already enacting harm to those victimized by systems of injustice which are embedded within the social. It assumes that learning about neo-colonialism, anti-Black racism, sexism, homophobia, etc. can be safe and comfortable under the “right” conditions and fails to recognize the classroom itself as a colonial site - which always already means unsafety for certain bodies- and censorship as the potential replication of oppressive systems: “Privileged students leave these safe spaces with transparently knowable oppressed identities safely tucked in their back pockets and a lesson on how to be aggressively and benevolently silent” (Hudson & McKittrick, 2014). Similarly, a brave space only incites the unsafe and subjugated voices to be brave, while requiring nothing of the mainstream and dominant voices. That said, rather than attempting to create a safe or brave space in my classroom, I am explicit about my hope to contribute to the fostering of an accountable space; where violence is not welcome, but it is named and addressed, where self-reflection and the examination of our privileged and marginalized identities is encouraged so that both silences and voices are acknowledged.

From Ellen:
My sociological training, research, and teaching have specialized in the topics of race, racism, and civil law (as well as culture, organizations, and politics) in the United States, especially Black-white dynamics there. As a white woman from an affluent background, raised in the United States and educated in elite American universities (but without a law degree), I have found that I do my best work when I approach sociology with rigor, curiosity, humility, and self-awareness. Over time, I have developed a personal philosophy that, to study race as a socio-legal scholar, I need to have a normative commitment to anti-racism. This includes a resolve not to be defensive, awareness of when I simply should be listening, and interrogation of my own sense of racial entitlement. I immigrated to Canada about seven years ago. Both the Canadian legal system and dynamics of race and racism in Canada still relatively are new to me. Since joining the UofT faculty, I have intentionally incorporated more content on settler colonialism and Indigeneity into my courses and thinking, although I recognize that very real problems can arise when non-Indigenous scholars who are not rooted in Indigenous communities (like myself) try to educate about Indigenous topics. I am proactively trying to learn from the wisdom of those with more experience and wisdom. Regardless, I will surely bumble, make mistakes, and need to correct myself.

The primary focus of this class is the substantive academic content. That said, we will have conversations about our personal experiences and positionalities in relation to what we are studying. This course tackles topics that will likely make all of us uncomfortable and “unsettled” at times. It should. Studying law can be intimidating. Law is a highly technical field. What’s more, law’s legitimacy rests, in large measure, on an extensive ideological apparatus that designates law as authoritative and beyond the reach of those who do not have specialized legal training. Studying race and racism also can be intense. It often requires emotional labor. White students/descendants of settler colonists and other students unfamiliar with these topics frequently become defensive, antagonistic, or overcome with feelings of guilt when confronted with evidence and analysis of how power, privilege, and exploitation operate. Students of colour often dread being put in situations where they are expected to manage their White peers’ anxieties and ignorance, among other matters. Even if you have studied and/or lived these topics for years, such tensions may never
fully dissipate. We should be attentive to these dynamics as needed, toward our common goal of serious, respectful scholarly engagement.

An invitation to reflexivity and accountability from us both
We encourage everyone to reflect deeply and raise points and questions about their positionality and/or the experience of studying race, racism, and the law throughout the semester. In the co-establishing of an accountable space in the classroom, we invite you to own the varied and intersectional ways in which you understand, embody, or resist the content and your perspectives, respectfully. These dynamics are important for creating a space of engagement and facilitating growth in our collective and interpersonal interactions. We also invite your constructive feedback and criticisms about how the class is going and our teaching style, shared either in the classroom or privately.

Assignments
All assignments should be submitted on Quercus.

Weekly Memos
For each class meeting, you should submit a condensed response to the readings (apprx. 2 single-spaced pages, 1 inch margins, 12-point font). The purpose is threefold: to develop your critical thinking and writing skills; to foster the habit of writing alongside critical reading; and to increase the likelihood we will have a productive class discussion grounded in the content of the reading. Your memos should cover these four points:

1. Identify a broad central issue or theme in this reading or set of readings. Be sure to demonstrate that you understand the “big picture.”

2. Put some or all of the authors in dialogue with each other. Some options:
   - Identify at least one point of agreement on this issue and one core disagreement or tension,
   - Discuss their use of similar conceptual frameworks and/or methods to examine different empirical topics,
   - Discuss their use of different conceptual frameworks and/or methods to examine a similar topic.

In 1 and/or 2, also explain one related point of your own (e.g. your scholarly interpretation of it, a critique, a counterargument, an extension). Your writing should clearly differentiate which points are made by the author(s) and which are yours.

3. Reflexivity: Respond to any of these questions. Include discussion of your own positionality: how your understanding is shaped by your lived experiences and observations, esp. given your social statuses (e.g., your racial self-identification, your racialization by others, gender, class, nationality, etc.). Please write in the first person, using “I.”
   - Do I have previous knowledge about this topic? If so, what is the source of that knowledge? If not, why might that be?

Credit: Some of these guidelines are adapted from Dr. Schwartman’s 2018 SOC6009 syllabus.
- How does this text support or challenge my existing worldview, knowledge, beliefs, and assumptions?
- In light of what the texts say or imply about social arrangements and power dynamics, what have I internalized? Do my actions and thoughts reflect or repudiate these arrangements and dynamics?
- What is my emotive reaction to points in the reading(s)? Am I troubled, angered, uncomfortable, affirmed, or something else? Why might I have this reaction?

(4) List two topics or questions related to the readings that you would like to discuss during our class meeting.

You should give some indications that you have done all the reading, especially when answering (1), but you do not need to go into detail on each one; you can focus on one or two readings that interest you most.

Do not use the memos to summarize the week’s readings. That said, you should write up summaries in your notes for yourself. **Do not quote the readings; show that you can explain these ideas in your own words.**

Because there are 8 memos due but 9 class meetings. You can opt out of doing a memo for one class meeting.

**Participation and Scholarly Attitude**
You are expected to attend all the class meetings in their entirety and remain engaged throughout the discussion. More generally, we encourage you to adopt a “scholarly attitude” in this course. As Dr. Neda Maghbouleh has written, “Students with a scholarly attitude take the role of graduate student seriously and demonstrate their commitment to academic pursuits by actively engaging in the material, reflecting deeply on the readings, raising thoughtful questions and comments in class, and generally going above and beyond the requirements of the course. Enrollees who lack a scholarly attitude passively complete the readings and responses and are primarily concerned with obtaining a particular grade in the course, doing the minimum required in the course, and/or cutting corners in an effort to appear more prepared than they really are. Graduate students who adopt a scholarly attitude are practicing their identity as they look forward to their future careers. Graduate students who do not adopt a scholarly attitude are still looking backward to the past and need to leave undergraduate expectations behind.” (SOC6109 Syllabus, Summer 2018)

**Reading Provocations**
At least twice during the semester, you will be responsible for introducing some of the readings and sparking conversation on them. Details to be added depending on the class size.

**Final Paper**
You are expected to write a final paper of approximately 5,000-10,000 words on a topic related to this course (20-40 pages double spaced, 1 inch margins, Times or similar size font). The topic of your paper is somewhat flexible but requires our approval. Options include:

1. A research paper based on empirical evidence that you collect (or a secondary data set) that examines a socio-legal question related to race and racism.
2. A review paper similar to a comprehensive exam essay, which poses a question and answers it using course readings and additional readings (highly recommended: draw on the Crime & Law and/or Colonization, Racialization, Indigeneity reading lists). Your question could be theoretical, conceptual, and/or methodological. Your answer should develop an argument by integrating, comparing, and critically assessing (not just summarizing) the relevant literature.

3. A research proposal for an empirical research project that you want to conduct in the near future related to the course. Your proposal should contain your research question, the theoretical justification for your project—meaning, the analytic framework you will draw upon, the scholarly conversations you are engaging, and your proposed contribution—the methods, a discussion of the practical feasibility of the project, and a time line.

4. If you have been working on a paper for another class or for your thesis or dissertation and you want to revise it for this class in order to send it for publication, this may be an option. You will need to provide us with the original paper in the beginning of the semester, and you must demonstrate significant improvement of the paper during the course of the semester.

Your final paper should incorporate reflection on your positionality. This can be in a separate section with a header and/or incorporated throughout. This can be a challenging form of writing, especially because academia deskills us in this respect. We will make this a part of classroom conversations.

Your paper should contain very few or no quotes of the readings. Again, we expect you to demonstrate, in your writing, that you can explain these complex ideas using your own words.

The bibliography of your final paper should be formatted using the American Sociological Association guidelines or else the guidelines of another professional academic organization/field (if so, please note which one).

Also include a “Revisions Memo” appendix. Provide a bullet list summarizing key comments you received on your draft proposal presentation and your proposal along with explanations of how you have addressed those comments. If you are not addressing some of the key feedback, provide a rationale for your decision.

If your final paper fails to address any of the major comments we made on your proposal, and if you do not provide a persuasive explanation for why you did not address our comments, this will be reflected in your assignment mark and you may not receive detailed feedback on your final paper.

**Paper Proposal**
You should write a 2-4 page proposal for your final paper (double spaced, 12-inch font, Times or similar size font, 1-inch margins) that includes:

- Which type of final paper paper you will write (see list above)
- The main theoretical questions and/or empirical topics that you plan to engage
- How you will go about doing that (e.g., methods, literatures), including what material from the course you will draw upon.
- A brief outline of your paper
- Also attach (not in the page length) an annotated bibliography of at least five academic books or articles you expect to use. Annotate by writing a 2-5 sentence summary on each one.

If you submit a strong, serious proposal, we will be better able to guide you toward writing a strong final paper. Expect to receive detailed comments on your proposal.

Draft Paper Proposal
Post on the Quercus Discussion board one paragraph (or, if you are deliberating between two different topics, two paragraphs) indicating which of the four types of papers you expect to write and your ideas for it. We do not expect all your ideas to be fully formulated or well polished. Feel free to add a list with comments and/or questions regarding what you would like feedback on. We will review and discuss these drafts in class.
COURSE SCHEDULE

WEEK 1

1. INTROS, CRT IN U.S. & CANADA, STRUCTURAL & ANTI-BLACK RACISM
TUES. MAY 2 (80~ pages)

**Critical Race Theory Frameworks**
- Preface and Introduction, pp. Ix-xxxix

- Preface and Intro: pp. 12-17 (stop at “Chapter 1 details…”)

**Structural Racism and R. v Morris**
Court of Appeals decision [QUERCUS]

**On Reflexivity**
While these are written for social work education, they apply aptly to sociology, the study of social problems, and our interactions both direct and indirect with those we study.


2. LEGALIZED RACIALIZATION OF “INDIANS” & RESISTANCE
FRI., MAY 5 READING (100~ pages)

Ray, *On Critical Race Theory*
- Chap. 1, “The Social Construction of Race,” pp. 3-16

*The Indian Act* (R.S.C., 1985, c. 1-5). *This is a long statute. Read all the sections through the Definition and Registration of Indians, then quickly skim the rest.*


Optional/Recommended

Terminology guidelines/allyship:
- Indigenous Corporate Training, Inc.
- National Museum of the American Indian – section on Terminology

WEEK 2

3. LAW’S HISTORICAL CONSTRUCTS OF RACE
TUES., MAY 9 READING (~150 pages)


Backhouse, Constance. 1999. Colour-Coded: A Legal History of Racism in Canada, 1900-1950. Univ. of Toronto Press. Read I of the 3 substantive chapters (5,6,7)
  - Introduction, pp. 1-17.
  - Chap. 5: Yee Clun & White Women’s Labour Law, pp. 132-171
  - Chap. 6: KKK in Oakville, pp. 173-225
  - Chap. 7: Viola Desmond, pp. 226-271


4. DIVERSITY & MULTICULTURALISM AS DISCOURSES & POLICIES
FRI., MAY 12 (~120 pages)

Ray, On Critical Race Theory
  - Chap. 4, “Racial Progress,” pp. 48-59


Optional/Recommended


Univ. of Toronto Faculty of Law. nd. “UofT Law Black Student Application Process.”


WEEK 3

5. COLOURBLINDNESS IN LAW, COLOURBLIND RACISM IN PRACTICE

TUES., MAY 16 (~70 pages + legal text)

In-class: Presentations of proposal drafts

Ray, On Critical Race Theory:


U.S. and Canadian Law [QUERCUS]:

- U.S. Constitution, Fourteenth Amendment (Amendment XIV, also called the Equal Protection Clause), Section 1, p. 13
o U.S. Civil Rights Act of 1964 (original version). Focus on yellow highlighting. What makes this “colourblind”?

o Canadian Charter of Rights and Freedoms (Constitution Act, 1982).

You can just read the yellow highlighted text on p. 1 and p. 3 on Section 15: Equality Rights. Consider how Section 15 is colour/difference-blind and how it is not.

**Recommended/Optional**


- Executive Summary, pp. 1-10
- Part II: Sources of Equality Law: pp. 23-28
- Part III: Grounds or Protected Characteristics: pp. 31-33, 36-37, 37-39
- Part VI: Definitions of Equality, pp. 49-53, 55-57

**6. NARRATIVE & RACISM AT WORK & IN ANTI-DISCRIMINATION LAW**

**FRI., MAY 19 (~85 pages +70 pages skim)**

Zoom Guest speaker Dr. Marlese Durr, Professor of Sociology, Wright State University, Dayton, Ohio. 2022 Sociologists for Women in Society **Distinguished Feminist Lecturer**


- Chap. 7, “Counternarratives,” pp. 82-91

Durr, Marlese. *Paper to be circulated* (appx 10 pages)


- Author’s Note, pp. vii-xiv.
- Chap. 1, pp. 3-28 (skim 11-18 and 20-22)
- Chap. 7, “Right Right, Wrong Plaintiff,” pp. 169-176 only

Trigger warning: Some plaintiffs in Berrey, Nelson & Nielsen readings describe disturbing workplace environments, including racist language.


- Intro: Hearing Complaint, pp. 1-26
- Chap. 1: Mind the Gap! Policies, Procedures, and Other Nonperformatives, pp. 27-68.
WEEK 4

7. CRT & ANTI-BLACKNESS IN EDUCATION POLICY & CHILD WELFARE
TUES., MAY 23 (~ 83 pages academic reading + 27 pages report)
Sibblis, Camisha. 2014. “Expulsion Programs as Colonizing Spaces of Exception,” Race, Gender & Class 21(1/2): 64-81.
Investigation of the Peel District School Board:
Investigation - 2020 Report 27 pgs
Review of Peel District School Board (skim)
Supervisor’s final letter and final report

8. CRITIQUES OF CRT + ANTI-CRT BACKLASH/ANTI-RACIST RESPONSE
FRI. MAY 26 (~70 pages academic reading + websites)
On Critiques of CRT

On Anti-CRT Backlash and Anti-Racist Responses
Theoretical framing
Ray, On Critical Race Theory
  o Review Preface on attacks on CRT, pp. xiv-xvii.
  o Conclusion, pp. 125-129.

Sources describing, documenting, and critiquing the anti-CRT movement:
  o University of California, Los Angeles (UCLA) School of Law Critical Race Studies Program, CRT Forward Tracking Project. Read pages on About, Interactive Map, Methodology, and Blog posts on Understand the Map and the latest trends.
  o African American Policy Forum (AAPF) #TruthBeTold Campaign website.

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2 These excerpts are from Okechukwu’s book on political contestation over open admissions and affirmative action in the U.S. The book centers especially on conservative legal and political challenges to these policies. Focus on Okechukwu’s concept of racial political strategy and consider how it applies to the anti-CRT movement.
§ Be sure to click on the first set of (nine) yellow boxes to read that content.
§ Review the AAPF’s #TruthBeTold Report, on Trump’s “Equity Gag Order”

Sources from leaders and supporters of the anti-CRT movement:
- Trump’s Executive Order 13950: Combating Race and Sex Stereotyping

WEEK 5

9. THE FUTURE WE WANT
TUES. MAY 30 – TBD depending on student interest. Possible readings include:

Maynard, Robyn. Policing Black Lives. Conclusion
Walcott, Rinaldo, and Abdillahi, Idil. Black Life: Post BLM and The Struggle For Freedom
Jacobs, et. al. Defund the Police: Moving Towards an Anti-Carceral Social Work

Academic Integrity Clause
Copying, plagiarizing, falsifying medical certificates, or other forms of academic misconduct will not be tolerated. Any student caught engaging in such activities will be referred to the Dean’s office for adjudication. Any student abetting or otherwise assisting in such misconduct will also be subject to academic penalties. Students are expected to cite sources in all written work and presentations. See this link for tips for how to use sources well: (http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize).

According to Section B.I.I.(e) of the Code of Behaviour on Academic Matters it is an offence "to submit, without the knowledge and approval of the instructor to whom it is submitted, any academic work for which credit has previously been obtained or is being sought in another course or program of study in the University or elsewhere."

By enrolling in this course, you agree to abide by the university’s rules regarding academic conduct, as outlined in the Calendar. You are expected to be familiar with the Code of Behaviour on Academic Matters (https://governingcouncil.utoronto.ca/secretariat/policies/code-behaviour-academic-matters-july-1-2019 and Code of Student Conduct
which spell out your rights, your duties and provide all the details on grading regulations and academic offences at the University of Toronto.

Normally, students will be required to submit their course essays to Turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the Turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University's use of the Turnitin.com service are described on the Turnitin.com web site.

Accessiblity Services
It is the University of Toronto's goal to create a community that is inclusive of all persons and treats all members of the community in an equitable manner. In creating such a community, the University aims to foster a climate of understanding and mutual respect for the dignity and worth of all persons. Please see the University of Toronto Governing Council “Statement of Commitment Regarding Persons with Disabilities” at http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppnov012004.pdf.

In working toward this goal, the University will strive to provide support for, and facilitate the accommodation of individuals with disabilities so that all may share the same level of access to opportunities, participate in the full range of activities that the University offers, and achieve their full potential as members of the University community. We take seriously our obligation to make this course as welcoming and accessible as feasible for students with diverse needs. We also understand that disabilities can change over time and will do our best to accommodate you. Students seeking support must have an intake interview with a disability advisor to discuss their individual needs. In many instances it is easier to arrange certain accommodations with more advance notice, so we strongly encourage you to act as quickly as possible. To schedule a registration appointment with a disability advisor, please visit Accessibility Services at http://www.studentlife.utoronto.ca/as, call at 416-978-8060, or email at: accessibility.services@utoronto.ca. The office is located at 455 Spadina Avenue, 4th Floor, Suite 400.

Additional student resources for distressed or emergency situations can be located at distressedstudent.utoronto.ca; Health & Wellness Centre, 416-978-8030, http://www.studentlife.utoronto.ca/hwc, or Student Crisis Response, 416-946-7111.

Equity and Diversity Statement

Equity and Diversity
The University of Toronto is committed to equity and respect for diversity. All members of the learning environment in this course should strive to create an atmosphere of mutual respect. As a course instructor, I will neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual in this course and wish to be alerted to any attempt to create an intimidating or hostile environment. It is our collective responsibility to create a space that is inclusive and welcomes discussion. Discrimination, harassment and hate speech will not be tolerated.

Additional information and reports on Equity and Diversity at the University of Toronto is available at http://equity.hrandequity.utoronto.ca.