

FYSM 1502P: Selected Topics in Legal Studies

*Law, Sex and Gender*

Part of the ArtsOne “Criminal Matters” Cluster  
Fall/Winter 2012-2013

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**Instructor:** Dr. Lara Karaian  
**Office:** C578 Loeb Building  
**Office Phone:** 613-520-2600 x 1458  
**E-mail:** lara\_karaian@carleton.ca  
**Class Meets:** Monday 11:35-2:25 pm  
**Class Location:** Fall UC279/Winter SP 412  
**Office Hours:** Mondays 2:30-3:30 pm, or by appointment

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**COURSE DESCRIPTION:**

Teenagers are trying to figure out if their “sexts” constitute child pornography; sex workers are in the midst of challenging the criminalization of prostitution related offences; and prison administrators are reviewing how best to house transgender individuals. Starting from the position that law forms a backdrop to negotiations about our sexualities and our sexed and gendered identities, this course critically considers how the law both *produces* and *regulates* our sexual subjectivities and gendered selves as good/bad, healthy/harmful, or natural/unnatural. Given that one’s sex, gender and sexuality cannot be divorced from other axes of identity, such as race, class, and dis/ability, an intersectional analysis of identity and oppression will inform our examination of criminalized sexual identities and practices. Drawing on critical race, gender, sexualities and legal theories, as well as criminal and constitutional law and cases, this course will examine a range of substantive issues including: Criminalized and Racialized Masculinities/Femininities, Prostitution/Sex Work, Pornography/“Sexting”, Homosexuality, Non-monogamy (Swingers Clubs/Polygamy), Abortion/ Sterilization, New Reproductive Technologies/Surrogacy, Sadomasochism, HIV non-disclosure, and Transgender people in prisons.

**COURSE OBJECTIVES:**

- Gain a substantive understanding of law’s view of itself and its relationship to our sex, gender and sexual identities
- Introduce the student to reading critical theory and legal analysis
- Introduce the student to reading black letter criminal and constitutional law, cases and factums
- Foster student’s ability to approach controversial issues, theories and texts with a critical lens *and* an open mind
- Develop the ability to research and write substantive analytical research papers
- Foster the ability *and* the confidence to think critically and out loud
- Learn how to work cooperatively in groups
- Become familiar with student services available at Carleton

**REQUIRED TEXTS:**

All required readings are available for purchase in the form of two course kits (one for each term) from Octopus Books located at 116 Third Avenue (off Bank Street in The Glebe). All other readings are available online via the course’s web site on cuLearn.

**WEB SITE:**

This course will be managed with Carleton’s cuLearn course management system. Course PowerPoint slides, announcements, grades, discussion groups and weblinks will be posted on this site. You must activate your cuLearn account by going to the following page <https://www.carleton.ca/culearn/>.

Student support is available via a link on the right side of the page. Only students registered in the course have access to the site. Your Username and Password to sign on are the same as those for your Connect account (make sure that your Connect account has been activated first). See <https://portal.carleton.ca> for instructions on how to set up your account. It is imperative that each student is able to access the course web site and that they do so frequently.

#### EVALUATION:

(All components **must** be completed in order to get a passing grade).

Participation	20% (10% per term)
Case Summary and Comment	15% (Due: Oct. 29/12)
Essay Proposal & Annotated Bibliography	15% (Due: Nov. 26/12)
Debate	20% (Winter term. See syllabus for schedule)
Research Essay	25% (Due: Mar. 24/13)
Criminology Cluster Presentation	5% (Due: April 1/13)

#### Letter Grade Percent

In accordance with the Carleton University Undergraduate calendar (pg. 45), the letter grades assigned in this course will have the following percentage equivalents

A+	90 – 100%	C+	67 – 69%
A	85 – 89%	C	63 – 66%
A-	80 – 84%	C-	60 – 62%
B+	77 – 79%	D+	57 – 59%
B	73 – 76%	D	53 – 56%
B-	70 – 72%	D-	50 – 52%
		F	0 – 49%

#### Class attendance and participation – 20% (10% per semester)

Given that this is a *seminar* course, there will be very little in the way of formal lectures. As such your attendance and active participation are *extremely* important for the success of our discussions and the overall learning experience. Attendance will be taken into consideration when determining your participation mark however the bulk of this grade will be determined based on evidence that you have read the assigned material and that you've come to class prepared to engage in a discussion of that material. Also of importance is how actively and respectfully you listened to the contributions of others. Please keep in mind that quality of what you have to say, the degree of thought that has gone into your contribution, and the respect that you show for the views of others, is more important than how often you contribute.

***Your participation mark is also based on your involvement with the Study Skills Incentive Program. 3% of your final participation mark (1.5% per term) will be based on attending 3 support service workshops per term (6 in total).*** These 25 minute workshops are activity based and foster skills that are invaluable for success at the university level. The sessions are organized by Learning Support Services and located in the Student Academic Success Centre, room 402 MacOdrum Library. All sessions are scheduled outside of class time.

#### Case Summary and Comment - 15%

This short assignment is designed to expose you to reading and understanding case law. I will provide you with an abridged Supreme Court of Canada case on a topic of relevance to our course. You will be asked to summarize and comment on the court's reasoning. Outside research will not be required for the case comment however you will be expected to draw on course themes and concepts from the course readings preceding the assignment's due date. In total this assignment should be approx. 5 pgs in length using a 12 point font, 1 inch margins. The case and further assignment guidelines will be distributed on September 24, 2012. The assignment is **DUE**: October 29, 2012.

#### Essay Proposal and Annotated Bibliography, 4 pgs - 15%

Towards the end of the course each student is required to write a research essay using both course material and outside research (see below). Students must choose their essay topic (in the Fall term) from a list of possible topics provided. NB: The research essay **cannot** be on the same topic covered in your debate assignment (see below). Prior to writing a research essay you will be required to develop an essay proposal and an annotated bibliography. Your proposal will outline your topic and the direction in which you hope to take your analysis. The accompanying annotated bibliography should include **4 outside scholarly sources** (books, journal articles) that

you have used to prepare the proposal and that you plan on using in your research paper. More information on how to write a proposal and an annotated bibliography will be discussed in class. As a class we will attend two Library workshops on how to access the library's resources and conduct legal research. Details about my expectations for the Proposal and Annotated Bibliography will be distributed in class on October 29, 2012 and will be **DUE**: November 26, 2012. Proposals will be returned the following week so that you will have the benefit of my comments for any research that you may want to do over the winter holidays.

#### **Debate - 20%**

In groups of 6 (3 students per side), students will be responsible for presenting a 30 min. debate (which covers at least two opposing viewpoints on their given topic (related to the week's readings). Each debate group will be responsible for doing additional research on their topic and demonstrating which legal theories inform the different viewpoints presented. Each group of 3 must submit a transcript of their arguments, with all their resources cited properly, on the day of the debate. A bibliography of sources should also be provided. You will find the debate topics and schedule embedded into the Winter course topics/reading schedule in this syllabus. The 3 group members will receive a single grade for this assignment. A portion of the grade will be based on peer evaluation. More details on the debate will be provided in class.

#### **Research Essay, 7-10 pgs - 25%**

This persuasive research essay will be the culmination of your research and writing subsequent to the submission of your research proposal and annotated bibliography. The essay must be 7-10 pgs. in length, double spaced, one inch margins, not including accompanying bibliography. The Research Essay assignment will be distributed along with the Proposal and Annotated Bibliography guidelines in class on October 29, 2012 and will be **DUE**: March 25, 2013. Essays will be returned on April 1, 2011, the last class of the winter term.

#### **Criminology Cluster Presentation, 5%**

The criminology cluster will involve one final joint session in which each class will present course themes. Students will work in small groups to identify and present their theme. Presentations must not exceed 5 mins. More details will be provided in class.

#### **POLICIES:**

##### **(i) Contact with Instructor**

I will be available for consultation with students during my office hours or by appointment. Please e-mail me to set up an appointment outside of regularly scheduled office hours.

##### **(ii) E-mail Policy**

Every student is expected to have a Carleton e-mail address and to check it regularly. University policy dictates that Professors will not send e-mails to students at any other addresses. When contacting me via email please include "FYSM1502P: Brief description of your e-mail" in the subject line. Please use full sentences with proper spelling, grammar and punctuation.

##### **(iii) Late Penalties**

Late assignments will be deducted a penalty of 3% per day (including weekends) for late work, unless prior arrangements are made and the appropriate documentation is provided. In the case of emergencies due to sudden illness or other circumstances, extensions of deadlines will be solely at my discretion. Late assignments can be dropped off at the Institute of Criminology and Criminal Justice, C562 Loeb Building, during office hours. After office hours papers should be submitted to the drop-box next to the Institute's door where they will be retrieved and stamped with the following day's date.

##### **(iv) Policy on Discrimination and Harassment**

Carleton University is a community of faculty, staff and students who are engaged in teaching, learning, and research. Its members are part of the community at large and are governed by the law common to all persons. But membership in the academic community also entails certain rights and responsibilities. The university respects the rights of speech, assembly, and dissent; it prohibits discrimination on the basis of race, ancestry, place of origin, colour, ethnic origin, national origin, creed, sex, gender identity, sexual orientation, age, marital status, family status, political affiliation or belief, or disability that is defined as such in the Ontario Human Rights Code; it requires tolerance and respect for the rights of others; and it promotes an environment conducive to personal and intellectual growth.

### **(v) Academic Dishonesty**

Academic dishonesty, which includes plagiarism and cheating, is an extremely serious academic offense and carries penalties varying from failure in an assignment to suspension from the University. The University Senate defines plagiarism as “*presenting, whether intentional or not, the ideas, expression of ideas, or work of others as one’s own.*” This can include:

- Reproducing or paraphrasing portions of someone else’s published or unpublished material, regardless of the source, and presenting these as one’s own without proper citation or reference to the original source;
- Submitting an assignment or examination written in whole or in part, by someone else;
- Using ideas or direct, verbatim quotation, or paraphrased material, concepts, or ideas without appropriate acknowledgement in any academic assignment;
- Using another’s data or research findings;
- Failing to acknowledge sources through the use of proper citations when using another’s works and/or failing to use quotation marks;
- Handing in “*substantially the same piece of work for academic credit more than once without prior written permission of the course instructor in which the submission occurs.*”

### **REQUESTS FOR ACCOMMODATION:**

**Pregnancy obligation:** Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your ***Letter of Accommodation*** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

## **FYSM 1502P Course Schedule and Readings** **FALL TERM**

**Please note that this schedule and course readings are subject to change.**

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### **September 10: Introduction/Overview of Course**

Overview of the course, evaluation method and policies.  
Introduction to Sex, Gender, Sexuality and Law

In class consideration of, “Go Where? Sex, Gender, and Toilets” *Sociological Images*, by Guest Blogger Marissa, Sept. 2, 2010.  
<http://thesocietypages.org/socimages/2010/09/02/guest-post-go-where-sex-gender-and-toilets/>

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### **September 17: Law, Justice and the Canadian Legal System**

Ngaira Naffine, “Blind Justice,” and “Law: A Primer,” in *Women, Law and Social Change: Core Readings and Current Issues*, 5<sup>th</sup> ed., ed. T. Brett Dawson. (Concord: Captus Press, 2009), 57-64, 65-72.

Laurence M. Olivo, "Systems of Law in Canada," in *Introduction to the Law in Canada* (Ontario Edition), ed. L.M. Olivo. Concord: Captus Press, 2003, 43-58.

Laurence M. Olivo, "The Court System – Ontario," in *Introduction to the Law in Canada* (Ontario Edition), ed. L.M. Olivo. Concord: Captus Press, 2003, 114-122.

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**September 24: Criminology Cluster Group Lecture: Craig McFarlane, "The Sociology of Violence"**

\*\*\*CASE SUMMARY AND COMMENT ASSIGNMENT DISTRIBUTED\*\*\*

Collins, Randall. *Violence: A Micro-Sociological Theory*. Princeton: Princeton UP, 2008. Chapter 1.

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**October 1: Criminal Law and the Definition of Crime**

Kent Roach, "Chapter 1: Overview," in *Criminal Law*, 4<sup>th</sup> ed., (Toronto: Irwin Law, 2009). 1-10, 13-15, 17-20.

Jennie Abell & Elizabeth Sheehy, "Definition of Crime," in *Criminal Law and Procedure: Cases, Context, Critique* 4<sup>th</sup> ed., (Ottawa: Captus Press, 2007), 11-13, 24-33

Understanding Precedent and *Stare Decisis*- In class exercise.

**LIBRARY INSTRUCTION: INTRODUCTION TO LIBRARY & FINDING LEGAL JOURNALS (MacOdrum Library, Room 102)**

Note: Due to the limited number of computers in the lab students are encouraged to bring their own lap tops if they have one.

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**October 8: NO CLASS** (Statutory Holiday).

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**October 15: Charter of Rights and Freedoms**

*Canadian Charter of Rights and Freedoms*. Ottawa: Department of Justice Canada, 1982. Sections 1, 2, 7, 11, 15 and 28. <http://laws-lois.justice.gc.ca/eng/Const/page-15.html>

"Our Equality Rights in the *Charter*: Information Sheet," Produced by the Court Challenges Program of Canada, Winnipeg Manitoba, in *Women, Law and Social Change: Core Readings and Current Issues*, 4<sup>th</sup> ed., ed. T. Brettel Dawson. (Concord: Captus Press, 2002), 469-473.

*In-class Workshop on Reading Supreme Court of Canada Decisions*

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**October 22: Liberal and Radical (Dominance) Feminist Legal Theory**

Elizabeth Comack, "The Feminist Frameworks", in *Locating Law: Race/Class/Gender Connections*, 2<sup>nd</sup> ed. (Halifax: Fernwood Publishing, 2006), 42-51.

Catherine McKinnon, "Difference and Dominance: On Sex Discrimination [1984]," in *Feminist Legal Theory: Readings in Law and Gender*, ed. Katharine T. Bartlett and Rosanne Kennedy. (Boulder: Westview Press, 1991), 81-94.

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**October 29: Criminology Cluster Group Lecture: Jillian Crabbe, "The Rise and Fall of Delinquency"**

\*\*\*CASE SUMMARY AND COMMENT ASSIGNMENT DUE\*\*\*

\*\*\*RESEARCH ESSAY, PROPOSAL & ANNOTATED BIBLIOGRAPHY ASSIGNMENT DISTRIBUTED\*\*\*

Readings TBA

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**November 5: Critical Race and Postmodern Feminist Legal Theory**

Angela Harris. "Race and Essentialism in Feminist Legal Theory." Abridged version in *Women, Law and Social Change: Core Readings and Current Issues*. 4<sup>th</sup> ed. Ed. T. Brettel Dawson. Concord: Captus Press, 2002. 383-392

William N. Eskridge, Jr and Nan D. Hunter, "Postmodern Theories of Sexuality, Gender and the Law" in *Sexuality, Gender, and the Law* 2<sup>nd</sup> ed. (New York: Foundation Press, 2004), 584-593.

Kate Sutherland, "From Jailbird to Jailbait: Age of Consent Laws and the Construction of Teenage Sexualities" *William and Mary Journal of Women and the Law*, Spring 2003, 313-349.

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**November 12: Lesbian, Gay and Queer Legal Theory**

\*\*\*SIGN UP FOR DEBATE TOPIC\*\*\*

Riki Wilchins, "Gay Rights," in *Queer Theory, Gender Theory: An Instant Primer*. (Los Angeles: Alyson books, 2004). 13-20.

Nikki Sullivan, "The Social Construction of Same-Sex Desire: Sin, Crime, Sickness," in *A Critical Introduction to Queer Theory*. (New York: New York University Press, 2007) 1-21.

*Factum of the Intervener Egale in Little Sisters Book and Art Emporium v. Canada*. 1999. Supreme Court of Canada File No. 26858. <http://archive.egale.ca/index.asp?lang=E&menu=1&item=443>

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**November 19: Critical Gender, Masculinities and Law**

Richard Collier, "Sex, Gender and the (Criminal) Bodies of Men" in *Masculinities, Crime and Criminology: Men, Heterosexuality, and the Criminal(ised) Other* (1998) London: Sage. 67-102.

Angela Harris, "Gender, Violence, Race and Criminal Justice" in *Stanford Law Review*, 52, 1999-2000: 777-799.

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**November 26: Critical Gender and Transgender Legal Theory**

\*\*\*ESSAY PROPOSAL & ANNOTATED BIBLIOGRAPHY ASSIGNMENT DUE\*\*\*

\*\*\*DEBATE GROUPS ANNOUNCED\*\*\*

Emi Koyama and the Survivor Project, "Guide to Intersex and Trans Terminologies"  
<http://www.survivorproject.org/pdf/terms.pdf>

Riki Wilchins, "Transgender Rights," in *Queer Theory, Gender Theory: An Instant Primer*. (Los Angeles: Alyson books, 2004). 21-31.

Cressida J. Heyes, "Changing Race, Changing Sex: The Ethics of Self-Transformation" *Journal of Social Philosophy*, Vol. 37 No. 2, Summer 2006, 266-282.

**In-class Video:** Episode 1 of *Transgeneration* (2006) 30 mins.

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**December 3: Criminology Cluster Group Lecture:** Lara Karaian, "Sexual Expression or Self-Exploitation?: Canada's Extra/Legal Response to Teenage Sexting"

\*\*\*ESSAY PROPOSAL & ANNOTATED BIBLIOGRAPHY ASSIGNMENT RETURNED\*\*\*

Lara Karaian, "Lolita Speaks: 'Sexting', Teenage Girls and the Law." *Crime Media Culture* 8, no. 1 (2012): 57-73.

## FYSM 1502P Course Schedule and Readings WINTER TERM

Please note that this schedule and the readings are subject to change.

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### January 7: Sexual Assault, 'sexomnia' and skinny jeans(?)

Maria K. O'Leary, "The Struggle to Redefine Rape in the early 1980's," in *Confronting Sexual Assault: A Decade of Change*, eds. Julian V. Roberts and Renate Mohr (Toronto: University of Toronto Press, 1994), 20-47.

Sherene Razack, "Gendered Racial Violence and Spatialized Justice: The Murder of Pamela George," (2000), Abridged version in *Open Boundaries: A Canadian Women's Studies Reader*, 2<sup>nd</sup> ed., eds. Barbara A. Crow and Lise Gotell (Toronto: Pearson Prentice Hall, (2005) 267-278.

Richard Sheers, "You're not guilty of rape: Those skinny jeans were too tight to remove by yourself, jury rules" (May 1, 2010)  
<http://www.dailymail.co.uk/news/worldnews/article-1270113/Youre-guilty-rape-Those-skinny-jeans-tight-remove-jury-rules.html>

Shannon Karl, "Ontario Court Upholds 'Sexsomnia' Acquittal," *National Post*, February 7, 2008.  
<http://www.nationalpost.com/news/story.html?id=292924>

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### January 14: Reproductive Autonomy: Contraception, Sterilization and Abortion

Carolyn Egan and Lynda Gardner, "Racism, Women's Health, and Reproductive Freedom," in *Scratching the Surface: Canadian, Anti-racist, Feminist Thought*, eds. Enakshi Dua and Angela Robertson (Toronto: Women's Press, 1999), 295-307.

Shelly Gavigan, "Beyond Morgentaler: The Legal Regulation of Reproduction," in *The Politics of Abortion*, eds. Janine Brodie et al. (Toronto: Oxford University Press, 1992), 117-146.

Richard Cleroux, "The Hill: Back Door Abortion Law," *Law Times News*, June 30 2008.  
<http://www.lawtimesnews.com/200806304140/Commentary/The-Hill-Back-door-abortion-law>

**In-class Video:** *The Sterilization of Leilani Muir*, Glynis Whiting, 1996. 47 mins.

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### **January 21: Reproductive Autonomy: New Reproductive Technologies and Surrogacy**

#### **\*\*\*DEBATE #1: FREEDOM OF CHOICE VS. EXPLOITATION\*\*\***

Vanaja Dhruvarajan, "Feminism, Reproduction, and Reproductive Technologies." (2002)  
As reproduced in *Open Boundaries: A Canadian Women's Studies Reader*. 2<sup>nd</sup> ed. Eds. Barbara A. Crow and Lise Gotell. Toronto: Pearson Prentice Hall, 2005. 300-307.

Joanne Harris, "Lesbian Motherhood and Access to Reproductive Technology." *Canadian Woman Studies. Lesbian, Bisexual, Queer, Transsexual/Transgender Sexualities* Issue, 24.2 & 3 Winter/Spring (2005): 43-49.

Sarmishta Subramanian, "Wombs for Rent: Is Paying the Poor to have Children Wrong when Both Sides Reap Such Benefits?" *Macleans*, July 2, 2007.  
[http://www.macleans.ca/article.jsp?content=20070702\\_107062\\_107062](http://www.macleans.ca/article.jsp?content=20070702_107062_107062)

Tom Blackwell, "Too risky for toddler to meet sperm donor father, judge rules" *The National Post*, August 8, 2012. <http://news.nationalpost.com/2012/08/08/too-risky-for-toddler-to-meet-sperm-donor-father-judge-rules/>

**In-class Video:** Law and Order SVU, "Inconceivable"

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### **January 28: Criminology Cluster Film Screening and Discussion: "Attack the Block" (2011) (dir. Joe Cornish.)**

R. Collier, "The 'Trouble with Boys'? The Child, the Social, and the Dangerous Other" in *Masculinities, Crime and Criminology: Men, Heterosexuality, and the Criminal(ised) Other* (1998) London: Sage. 67-102.

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### **February 4: Adult Pornography and Child Pornography**

#### **\*\*\*DEBATE #2: "OBSCENITY VS. EXPRESSION"\*\*\***

Nadine Strossen, "A Feminist Critique of 'The' Feminist Critique of Pornography," in *Applications of Feminist Legal Theory to Women's Lives: Sex, Violence, Work and Reproduction*, ed. D. Kelly Weisberg (Philadelphia: Temple University Press, 1996), 131-149.

Robert Teixeira, "The Shortcomings of Canada's Porn Laws: Youthful Sexuality, Censorship and Canada's Child Pornography Law," *Xtra (Toronto)*, Thursday, July 30, 2009.  
[http://www.xtra.ca/public/National/The\\_shortcomings\\_of\\_Canadas\\_porn\\_laws-7192.aspx](http://www.xtra.ca/public/National/The_shortcomings_of_Canadas_porn_laws-7192.aspx)

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### **February 11: Prostitution/Sex Work**

#### **\*\*\*DEBATE #3: DECRIMINALIZATION VS. CRIMINALIZATION\*\*\***



**Guest Speaker:** Elizabeth Kennedy, owner of a Member's Only Private Hostess Lounge

"Sex Work: 14 Answers to your Questions." (2007)  
[www.chezstella.org](http://www.chezstella.org)

Deborah Brock, "Victim, Nuisance, Fallen Woman, Outlaw, Worker? Making the Identity 'Prostitute' in Canadian Criminal Law," in *Law as a Gendering Practice*. ed. Dorothy Chunn and Danny Lacombe (Oxford: Oxford University Press, 2000), 79-99.

Jody Freeman, "The Feminist Debate over Prostitution Reform: Prostitutes' Rights Groups, Radical Feminists, and the (Im)possibility of Consent," in *Applications of Feminist Legal Theory to Women's Lives: Sex, Violence, Work and Reproduction*. ed. D. Kelly Weisberg (Philadelphia: Temple University Press, 1996), 237-249.

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## **February 18-22 \*\*\*WINTER BREAK. NO CLASSES\*\*\***

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### **February 25: Criminology Cluster Guest Lecture (TBA) & Information Session on How to Read your Student Audit**

Speaker from the Centre for Academic Success, and Marilyn Ginder, administrator in the Institute of Criminology and Criminal Justice

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### **March 4: Law and "The Family": Gay Marriage, Polygamy and Swingers Clubs**

**\*\*\*DEBATE #4: POLYGAMY IS CRIMINAL vs POLYGAMY SHOULD BE DECRIMINALIZED\*\*\***

Nancy D. Polikoff, "We Will Get What We Ask For: Why Legalizing Gay and Lesbian Marriage Will Not 'Dismantle the Legal Structure of Gender in Every Marriage,'" *Virginia Law Review*, 79 (1993). 1535-1550.

Angela Whitley, "Christian Nations' 'Polygamic Races' and Women's Rights: Towards a Genealogy of Non-monogamy and Whiteness." *Sexualities*. 9:5, (2006): 530-546.

Lynne Casavant et. al, "A New Standard for Measuring 'Indecency': The 'Swingers Club' Case" in *The Evolution of Pornography Law in Canada*, Library of Parliament, Parliamentary Information and Research Service, Revised October 25, 2007, pp. 25-27.

*R. v. Labaye*, 2005 SCC 80, [2005] 3 S.C.R. 728, "The Swingers case" (Excerpts.)

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### **March 11: Decriminalizing Homosexuality / Policing Gay and Lesbian Bathhouses**

Stuart Chambers "Pierre Elliott Trudeau and Bill C-150: A Rational Approach to Homosexual Acts, 1968-69" *Journal of Homosexuality* (2010), 57: 249-266.

Sarah Lambie, "Legal Invisibility in the Toronto Women's Bathhouse Raid Unknowable Bodies, Unthinkable Sexualities: Lesbian and Transgender," *Social & Legal Studies* 18 (2009). 111-130.

**In-class Video:** *Milk*, (2008) Staring Sean Penn and James Franco (45 min. excerpt)

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**March 18: Sadomasochism (S/M) & the Criminalization of HIV Non-Disclosure**

**\*\*\*DEBATE #5: CRIMINALIZE NONDISCLOSURE OF HIV vs DON'T CRIMINALIZE\*\*\***

**Guest Speaker: Ummni Khan, Department of Law, Carleton**

Pat Califia, "Feminism and Sadomasochism," (Excerpt) in *Sexuality, Gender, and the Law* 2<sup>nd</sup> ed. (New York: Foundation Press, 2004), 1343-1348.

*Regina v. Anthony Brown et al.* (1993), (Excerpt) in *Sexuality, Gender, and the Law* 2<sup>nd</sup> ed. (New York: Foundation Press, 2004), 1332-1339.

Sasha, "Rough Trade, Rough Rules" *eye weekly*, Toronto, January, 2008. 48.

Isabel Grant, "The Boundaries of the Criminal Law: the Criminalization of the Nondisclosure of HIV" (Spring, 2008) 31 *Dalhousie Law Journal*, 123-150. (Excerpts, to be assigned)

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**March 25: Transgender Individuals & the Criminal Justice System**

**\*\*\*FINAL RESEARCH PAPER DUE\*\*\***

**Guest Speaker: Eric A. Stanley, Co-editor of *Captive Genders: Trans Embodiment and the Prison Industrial Complex* (2012) Oakland: AKPress.**

Kyle Kirkup, "Indocile Bodies: Gender Identity and Strip Searches in Canadian Criminal Law," *Canadian Journal of Law and Society*, 24, 1, 2009. 107-125.

Women in Prison Project, "Transgender Issues and the Criminal Justice System" New York, 2007.  
<http://www.correctionalassociation.org/resource/transgender-issues-and-the-criminal-justice-system>

**In-class video:** *Cruel and Unusual* (2006) (dir. Janet Baus and Dan Hunt)

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**April 1: Final Cluster Event**

**\*\*\*RESEARCH ESSAYS RETURNED\*\*\***

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The end!  
(The end of the course, not the learning process. Learning never ends!)

**ENJOY YOUR SUMMER!**