

## Course Outline

<b>COURSE:</b>	<b>FYSM 1502 R – Law, Sex and Gender</b>
<b>TERM:</b>	<b>Fall/Winter 2010-2011</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday &amp; Thursday – 11:30-12:55 pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR:</b>	<b>Dr. Lara Karaian</b>
<b>CONTACT:</b>	<b>Office: C572 Loeb</b> <b>Office Hrs: Thursday – 2:00-3:00pm or by appointment</b> <b>Telephone: 613-520-2600 x 1458</b> <b>Email: Please direct all e-mail contact through WebCT</b>

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 15, 2010 for Fall exams and March 12, 2011 for Winter exams.**

For Religious and Pregnancy accommodations, 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://www.carleton.ca/equity/accommodation/student\\_guide.htm](http://www.carleton.ca/equity/accommodation/student_guide.htm) or please contact Equity Services, x. 5622.

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**COURSE DESCRIPTION:**

Sex workers are in the midst of challenging Canada's criminalization of prostitution. The courts are currently being asked to consider whether people should be able to marry more than one person at a time. Prisons are reviewing how to house transgender individuals. These three examples are only some the ways in which the law informs and shapes our understanding of what is "bad" and what is "good" sex, who's considered a healthy or harmful sexual subject, and the relationship of law to one's gender identity. Each one of us is a gendered and sexual being, but many of us don't actively consider how the law shapes and regulates these aspects of our selves and the selves of others. In this course we will examine the law's role in the construction of gender and sexuality, as well as its function as a source of repression and a site of resistance. This course draws on myriad legal theories, criminal and constitutional law, and a range of criminological issues (such as, Legal Personhood, Prostitution/Sex Work, Pornography/"Sexting", Decriminalization of Homosexuality/Gay Marriage, Abortion, New Reproductive Technologies/Surrogacy, Swingers Clubs, Bathhouses, Polygamy, Sadomasochism, Self defense/Battered Women Syndrome, HIV Transmission, and Transgender people in Prisons).

**COURSE OBJECTIVES:**

- Gain a substantive understanding of the construction and regulation of sex and gender, law's view of itself, and its relationship to these identity categories
- Understand the intersections of criminal and constitutional law
- Develop a substantive knowledge of legal theory and the ability to read and understand Canadian case law
- Understanding how to approach these 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 the services of Carleton (Ex: the Library, the Career Development Center, the Student Academic Success Centre)

**REQUIRED TEXTS:**

All of the course readings are available online and can be accessed through the course's WebCT web site. Details on how to access the website will be provided in the first class. Please print out, **read**, and bring the appropriate articles to class with you each week.

**WEB SITE:**

This course will be managed with Carleton's WebCT course management system. Course readings as well as PowerPoint slides, announcements, grades, discussion groups and weblinks will be posted on this site. You must activate your WebCT account by going to the following page <http://webct.carleton.ca> and follow the links from the "Student Resources" site on the left hand side. 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). All correspondence with me should be carried out through the WebCT e-mail system ONLY. 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 to pass this course**

Participation	20% (10% per term)
Case Summary and Comment	15% (Due: Oct. 28/10)
Essay Proposal & Annotated Bibliography	15% (Due: Nov. 30/10)
Debate	20% (Winter term. See syllabus for schedule)
Research Essay	25% (Due: Mar. 24/11)
Poster Session	5% (Date to be announced)

**Letter Grade Percent**

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 30, 2010. The assignment is **DUE**: October 28, 2010.

**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. Students must choose their essay topic 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 handing in the paper you are 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 November 2, 2010 and will be **DUE**: November 30, 2010. 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 4, 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). The group will be responsible for doing additional research on their topic and demonstrating which legal theories inform the different viewpoints presented. Each group must submit a transcript of their debate, with all their resources cited properly, on the day of the debate. A bibliography of sources should also be provided. Debate topics and schedule are provided in the weekly topics/reading schedule portion of the syllabus. The 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.

**Poster – 5%**

In conjunction with their debate, each group must also create a poster. This poster will be displayed *at the end of the year* in the ArtsOne Criminology Cluster poster session (date and place TBA). More details on the poster will be provided in class. The group members will receive a single grade for this assignment. A portion of the grade will be based on peer evaluation.

**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. **DUE**: March 24, 2011. Essays will be returned on April 5, 2011, the last class of the winter term.

**POLICIES:****(i) Contact with Instructor**

I will be available for consultation with students during my office hours or by appointment. Please e-mail me using the WebCT e-mail system should you want 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. If a class has to be cancelled, or if there is any other matter that you should know about prior to class, you may be sent an email on your Carleton account. I generally try to respond to e-mails within two days.

**(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 outside 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.*"

**FYSM 1502R Course Schedule and Readings**  
**FALL TERM**

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

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**Sep 9**      ***Introduction to the Course***

Overview of the course, evaluation method and policies

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**Sep 14**      **Law and Justice**

Ngaire 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. Brettel Dawson. (Concord: Captus Press, 2009), 57-64, 65-72.

**Sept 16**      ***Systems of Law and the Canadian Judicial System***

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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**Sep 21**      ***Understanding Precedent and Stare Decisis***

In class exercise.

**Sep 23**      **LIBRARY WORKSHOP (Meet in room 102, in the basement of the library)**

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**Sep 28**      ***Crime and Criminal Law***

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

**Sep 30**      ***Crime and Criminal Law***

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

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

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**Oct 5**      ***Equality and the Charter of Rights and Freedoms***

*Canadian Charter of Rights and Freedoms*. Ottawa: Department of Justice Canada, 1982. Only Sections 1, 2, 7, 11, 15 and 28. <http://laws.justice.gc.ca/en/charter/1.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.  
Diana Majury, Women's (In)Equality Before and After the *Charter*," in *Open Boundaries: A Canadian Women's Studies Reader*, 2<sup>nd</sup> ed., ed. Barbara Crow and Lise Gotell. (Toronto: Pearson Prentice Hall), 106-118.

**Oct 7      *Equality and the Charter of Rights and Freedoms***

In-class Workshop on Reading Supreme Court of Canada Decisions

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**Oct 12      Legal Personhood**

Brettel T. Dawson, "Law and the Legal Person." *Women, Law and Social Change: Core Readings and Current Issues*. 4<sup>th</sup> ed. Ed. T. Brettel Dawson. Concord: Captus Press, 2002. 123-135; 150-155.

Brettel T. Dawson, "*Sandra Lovelace v. Canada*." *Women, Law and Social Change: Core Readings and Current Issues*. 4<sup>th</sup> ed. Ed. T. Brettel Dawson. Concord: Captus Press, 2002. 167-169.

Sojourner Truth, "Ain't I a Woman?" (1851) As reproduced in *Feminism: The Essential Historical Writings*. Ed. Miriam Schneir. Vintage Books, 1972. 93-94.

Sojourner Truth, "Keeping the Thing Going While Things are Stirring." (1867) As reproduced in *Feminist Theory: A Reader*. 2<sup>nd</sup> ed. Eds. Wendy K. Kolmar and Frances Bartowski. Boston: McGraw Hill, 2005. 79-80.

**Oct 14      LIBRARY INSTRUCTION ON FINDING LEGAL JOURNALS (Meet in the 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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**Oct 19      *Liberal 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.

Clip: "Call for the Bird Commission," 1967 re: Pearson & Bird talk about the goals of the Royal Commission on the Status of Women (RCSW)  
[http://archives.cbc.ca/politics/rights\\_freedoms/clips/410/](http://archives.cbc.ca/politics/rights_freedoms/clips/410/)

Clip: "Canadian Feminists Fight for Change," 1967 re: what do women want with the RCSW just getting under way [http://archives.cbc.ca/politics/rights\\_freedoms/clips/411/](http://archives.cbc.ca/politics/rights_freedoms/clips/411/)

Clip: "10 years later: perspective and constitutional change," 1980 re: interview w/ RCSW chairperson Bird [http://archives.cbc.ca/politics/rights\\_freedoms/clips/418/](http://archives.cbc.ca/politics/rights_freedoms/clips/418/)

**Oct 21      *Liberal Feminist Legal Theory***

Clip: "Finally, a woman on Canada's Supreme Court," 1982 re: appointment of Justice Bertha Wilson  
[http://archives.cbc.ca/society/crime\\_justice/clips/13096/](http://archives.cbc.ca/society/crime_justice/clips/13096/)

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**Oct 26      *Radical (Dominance) Feminist Theory***

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.

Catherine McKinnon, "Feminism, Marxism, Method and the State: An Agenda for Theory," Abridged version as reproduced in *Women, Law and Social Change: Core Readings and Current Issues*. 5<sup>th</sup> ed., ed.T. Brettel Dawson. Concord: Captus Press, 2009. 115-117.

**Oct 28      *Radical (Dominance) Feminist Theory***

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

Factum of the Intervener LEAF (Women's Legal Education and Action Fund) in *R. v. Butler*. 1992. Supreme Court of Canada File No. 22191.  
<http://www.leaf.ca/legal/facta/1992-butler.pdf#target>

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**Nov 2** **Critical Race/Anti-Racist Feminist Legal Theory**  
**\*\*\*ESSAY PROPOSAL & ANNOTATED BIBLIOGRAPHY ASSIGNMENT DISTRIBUTED\*\*\***

Harris, Angela. "Race and Essentialism in 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

**Nov 4** **Critical Race/Anti-Racist Feminist Legal Theory**

Trina Grillo, "Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House." *Berkeley Women's Law Journal*, 10 (1995): 16-30.

**Nov 9** **Postmodern Legal Theory**

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.

**Nov 11** **Postmodern Legal Theory**

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, 1-18.

**Nov 16** **CLASS CANCELLED. Sign up to meet one-on-one with professor to discuss essay proposal, annotated bibliography, debate as well as anything else on your mind.**

**Nov 18** **CLASS CANCELLED. Sign up to meet one-on-one with professor to discuss essay Proposal, annotated bibliography, debate as well as anything else on your mind.**

**Nov 23** **Gay and Lesbian Legal Theory**  
**\*\*\*SIGN UP FOR DEBATE TOPIC\*\*\***

The Heterosexuality Quiz. Adapted from Minas, A. (1993). "The Language of Sex: The Heterosexual Questionnaire." *Gender Basics* (CA: Wadsworth Publishing). 306-307.

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

*Factum of the Intervener Egale in Little Sisters Book and Art Emporium v. Canada*. 1999. Supreme Court of Canada File No. 26858. (Excerpts)

**Nov 25** **Queer Legal Theory**

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.

**Nov 30** **Transgender and Intersex Theory**  
**\*\*\*ESSAY PROPOSAL & ANNOTATED BIBLIOGRAPHY ASSIGNMENT DUE\*\*\***

Bornstein, Kate. "Test Your Gender Aptitude" <http://www.utne.com/lens98/body/gender/quiz.html>  
 Emi Koyama and the Survivor Project, "Guide to Intersex and Trans Terminologies"  
<http://www.survivorproject.org/pdf/terms.pdf>

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

**Dec 2 Transgender and Intersex Theory**

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

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

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

Anne Fausto-Sterling, "The Five Sexes, Revisited," *The Sciences*, July/August 2000. 19-23.

**DECEMBER BREAK – HAPPY HOLIDAYS!**

**FYSM 1502R Course Schedule and Readings**  
**WINTER TERM**

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

**Jan 4 Sexual Violence and the Reform of Sexual Assault Laws**

Maria Łoś, "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 Radical 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.

**Jan 6 Sexual Assault Law: The case of 'sexomnia'**

Shannon Karl, "Ontario Court Upholds 'Sexsomnia' Acquittal," *National Post*, February 7, 2008.

<http://www.nationalpost.com/news/story.html?id=292924>

"Toronto Area Man Acquitted of Rape, Deemed 'Sleep Sex,'" Comments Section, *Yahoo News*, Nov. 20 2005. To be provided in class.

**Jan 11 Reproductive Autonomy: Contraception and Sterilization**

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.

Clip: "Legalizing contraceptives," 1969

[http://archives.cbc.ca/health/reproductive\\_issues/clips/3044/](http://archives.cbc.ca/health/reproductive_issues/clips/3044/)

Clip: "The pill 40 years later," 2001

[http://archives.cbc.ca/health/reproductive\\_issues/topics/572/](http://archives.cbc.ca/health/reproductive_issues/topics/572/)

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



**Jan 13 Reproductive Autonomy: Abortion**

Clip: "Ontario jury acquits Morgentaler," 1984

[http://archives.cbc.ca/society/crime\\_justice/clips/1129/](http://archives.cbc.ca/society/crime_justice/clips/1129/)

Clip: "Abortion law ruled unconstitutional," 1988

<http://archives.cbc.ca/politics/constitution/clips/788/>

Clip: "The end of a fight," 1988 interview w/ Morgentaler

[http://archives.cbc.ca/politics/rights\\_freedoms/clips/1130/](http://archives.cbc.ca/politics/rights_freedoms/clips/1130/)

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>

**Jan 18 Reproductive Autonomy: New Reproductive Technologies**

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.

Clip: "The Royal Commission reports," 1993 re: NAC's response to Royal Commission on New Reproductive Technologies (last half)

[http://archives.cbc.ca/health/reproductive\\_issues/topics/610-3370/](http://archives.cbc.ca/health/reproductive_issues/topics/610-3370/)

Clip: "Reproductive Technology legislation: May 2002"

[http://archives.cbc.ca/health/reproductive\\_issues/clips/3367/](http://archives.cbc.ca/health/reproductive_issues/clips/3367/)

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

**Jan 20 Reproductive Autonomy: Surrogacy**

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

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)

Clip: "Just say 'No!' to Surrogate Motherhood," 1980

[http://archives.cbc.ca/health/reproductive\\_issues/clips/3290/](http://archives.cbc.ca/health/reproductive_issues/clips/3290/)

**Jan 25 Pornography**

Lyne Casavant et. al The Evolution of Pornography Law in Canada, Library of Parliament, Parliamentary Information and Research Service, Revised October 25, 2007, pp. 1-9.

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.

**Jan 27 Child Pornography**

**\*\*\*DEBATE #2: "SEXTING": CHILD PORNOGRAPHY VS. YOUTH SEXUAL EXPRESSION\*\*\***

Lyne Casavant et. al 'Child Pornography' in The Evolution of Pornography Law in Canada, Library of Parliament, Parliamentary Information and Research Service, Revised October 25, 2007, pp. 10-20.

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)

**Feb 1 Prostitution/Sex Work**

**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.

Clip: "Sex Trade Challenge," 2007 re: sex-trade workers challenge Criminal Code (Interview w/Valerie Scott, Executive Director of Sex Professionals of Canada)

<http://www.cbc.ca/clips/mov/scott-invu070321.mov>

**Feb 3 Prostitution/Sex Work**

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

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.

**Feb 8 Domestic Violence and the Battered Woman Syndrome**

Pratt, Anna. "New Immigrant and Refugee Battered Women: The Intersection of Immigration and Criminal Justice Policy," in *Wife Assault and the Criminal Justice System*. Ed. Mariana Valverde et al., Centre of Criminology, University of Toronto, 1995. 84-103.

Christine Boyle, "The Battered Wife Syndrome and Self Defence: *Lavallee v. R.*" *Canadian Journal of Family Law* 9 (1990): 171-179.

Clip: "Supreme Court accepts battered wife syndrome defence," 1990

[http://archives.cbc.ca/society/crime\\_justice/clips/13238/](http://archives.cbc.ca/society/crime_justice/clips/13238/)

**Feb 10 Domestic Violence and the Battered Woman Syndrome**

**\*\*DEBATE #4: BWS YES VS. BWS NO\*\*\***

Elizabeth Comack, "Do We Need to Syndromize Women's Experiences? The Limitations of The Battered Wife Syndrome," in *Violence Against Women: New Canadian Perspectives*. eds. Katherine M.J. McKenna and June Larkin (Toronto: Inanna Publications and Education, 2002)

**Feb 15 Decriminalizing Homosexuality**

"A Chronology of Advances in LGBT Rights in Canada and in B.C" B.C Teacher's Federation.

<http://bctf.ca/SocialJustice.aspx?id=6100>

Clip: "A psychiatric 'problem'"

[http://archives.cbc.ca/politics/rights\\_freedoms/topics/599/](http://archives.cbc.ca/politics/rights_freedoms/topics/599/)

Clip: "Jailed for Homosexuality"

[http://archives.cbc.ca/politics/rights\\_freedoms/topics/599-12538/](http://archives.cbc.ca/politics/rights_freedoms/topics/599-12538/)

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

**Feb 19 Regulating Homosexuality - Police Raid of Bathhouses**

Clip: "The Toronto Bathhouse Raids," 1981

[http://archives.cbc.ca/politics/rights\\_freedoms/topics/599-3233/](http://archives.cbc.ca/politics/rights_freedoms/topics/599-3233/)

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

Julia Garro, "Pussy Palace settlement bears fruit," *Xtra! Toronto*, March 16, 2006.

[http://www.xtra.ca/public/Toronto/Pussy\\_Palace\\_settlement\\_bears\\_fruit-1456.aspx#bComment](http://www.xtra.ca/public/Toronto/Pussy_Palace_settlement_bears_fruit-1456.aspx#bComment)

**FEBRUARY 21-25 \*\*\*WINTER BREAK - NO CLASSES\*\*\***

**Mar 1 Information Session on How to Read your Student Audit**

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

**Mar 3 Legal Construction of Marriage and "The Family"**

Martha Albertson Fineman, "Why Marriage?" *Virginia Journal of Social Policy and the Law*, 9:1, 2001. Excerpts.

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.

**Mar 8 The Law and Non-mogamy: Polygamy**

Miriam Koktvedgaard Zeitzen, "Forms of Polygamy" in *Polygamy : A Cross-cultural Analysis*. (New York: Oxford University Press, 2008), 3-20.

Robert Matas, "Polygamy Charges in Bountiful" *Globe and Mail*, January 8, 2009.

<http://www.theglobeandmail.com/news/national/article963706.ece>

**Mar 10 The Law and Non-mogamy: Polygamy**

**\*\*\*DEBATE #5: POLYGAMY IS CRIMINAL vs POLYGAMY SHOULD BE DECRIMINALIZED\*\*\***

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

**Mar 15 Tour of the Career Centre (Meet at room 401, Tory Building)****Mar 17 The Criminalization of HIV**

**\*\*\*DEBATE #6: CRIMINALIZE NONDISCLOSURE OF HIV vs DON'T CRIMINALIZE\*\*\***

'Ontario man found guilty in HIV murder trial' CBC news, April 4, 2009.

<http://www.cbc.ca/canada/story/2009/04/04/aziga-verdict.html?ref=rss>

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)

**Mar 22 Sadosochism (S/M)****Guest Speaker: Ummni Khan, Department of Law, Carleton**

Pat Califia, "Feminism and Sadosochism," (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.

**Mar 24 Non-monogamy: "Swinging" or Partner Swapping**

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

"Swingers clubs don't harm society, top court rules," *CBC News*, December 2005.

[http://www.cbc.ca/news/viewpoint/yourspace/supremecourt\\_swinging.html](http://www.cbc.ca/news/viewpoint/yourspace/supremecourt_swinging.html)

Lyne 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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**Mar 29 Transgender Individuals and the Criminal Justice System**

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

**Mar 31 Transgender Individuals and the Prison System**

Women in Prison Project, "Transgender Issues and the Criminal Justice System" New York, 2007.

<http://www.correctionalassociation.org/publications/download/wipp/factsheets/TransgenderIssuesCJSFINAL.pdf>

**In-class video:** *Cruel and Unusual* (2006) 30 min excerpt

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**Apr 5 Poster Session Prep Class**

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

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The end (of the course, not the learning process; that never ends)!

ENJOY YOUR SUMMER