

## Course Outline

**COURSE:** LAWS 3001 A – Women and the Legal Process

**TERM:** Fall 2008/09

**PREREQUISITES:** Third-year standing

**CLASS:** Day & Time: Tuesday – 11:35 am - 2:25 pm  
Room: 4499 ME (Mackenzie Engineering)

**INSTRUCTOR:** Professor T. Brettel Dawson

**CONTACT:** Office: D488 LA (Loeb)  
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Website: [www.lawsite.ca](http://www.lawsite.ca)

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"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html)

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**COURSE OBJECTIVES & CONTENT:**

This course examines historical and contemporary legal issues of particular concern to women in Canada. Women have at one time or another been excluded from a wide range of legal rights and responsibilities including higher education, political office, voting and the professions. Marital status was directly linked to employment, property rights, income and access to credit. In Canada, the law has played an important role in the ongoing struggle by women for full equality and citizenship. The celebrated "Person's Case" in 1929 which recognized that "women" were within the meaning of the term "persons" and the Canadian Charter of Rights and Freedoms which entrenched equality between men and women through sections 15 and 28 highlighted the potential of law to advance equality. At the same time, not all cases were 'wins', not all wins had positive effects for all women, and not all 'laws' or legal processes responded to women's realities. Law, then, can constrain and enable, resist and respond, and be a fruitful site for dialogue and contestation over gender. We explore these themes in the course through a series of case studies informed by theoretical perspectives.

**REQUIRED READING:**

Readings for each week are set out in the course schedule and updated on the course website, [www.lawsite.ca](http://www.lawsite.ca) from time to time.

The required text is:

T. Brettel Dawson, *Women, Law and Social Change: Core Readings and Current Issues*, 5<sup>th</sup> Edition (Toronto: Captus Press, 2008). A pre-publication version of this edition is available at the University Bookstore.

Additional materials may be posted on the course web site from time to time.

**RECOMMENDED RESOURCES:**

I have recently updated the 'virtual casebook' section of the course web site; it provides research links. Access via [www.lawsite.ca](http://www.lawsite.ca), link to "Research Resources": Virtual casebook.

See also the Floating Chapter in the *Women, Law and Social Change* (Between Chapters 10 and 11) for additional resources.

The Spring/Summer 2006 Issue of *Nexus*, the magazine of the University of Toronto, Faculty of Law has a focus on women, law and social change and is a useful background resource. See:

[http://www.law.utoronto.ca/visitors\\_content.asp?itemPath=5/4/0/0/0&contentId=606](http://www.law.utoronto.ca/visitors_content.asp?itemPath=5/4/0/0/0&contentId=606)

Good reference and research starting points also include:

- The *Canadian Journal of Women and the Law* contains excellent research in theme areas relevant to this course.
- [\*Canadian Feminist Perspectives on Law: An Annotated Bibliography \(1989-99\)\*](#) (Canadian Journal of Women and the Law, vol.11, 1999). (Susan Boyd, E. Sheehy & J. Bouchard) (\* Order from [journals@utpress.utoronto.ca](mailto:journals@utpress.utoronto.ca))
- *Canadian Feminist Literature on Law: An Annotated Bibliography of Interdisciplinary Writings* (Toronto: Resources for Feminist Research, 1989). 80 pages, 527 abstracts. (Co-authored/edited by Susan Boyd and E. Sheehy)

**EVALUATION:**

Note: All parts of the evaluation must be completed to receive a passing grade in the course. Late submission of the essay (without authorized extension) will be penalized.

**1. Term Paper: 40% of the final grade**

- Due: **FRIDAY October 17, 2008 by 3.45pm** to Department of Law, Drop Box, around the corner from LOEB C473. I will tick receipt against the class list.
- Penalties for late submission: if stamped Saturday or Sunday October 18-19, 2/3 grade reduction; thereafter, 1/3 grade reduction per day.
- Returned: My target date to return the marked essays is in class, November 4<sup>th</sup>, 2008.

**2. In-Class Quiz: 20% of the final grade**

- Date: November 11, 2008.c
- 1.5 hours (first part of class); covering material up to October 21st (per original schedule).
- Format will be short answer.
- Marks provided: Final Class, November 25th

**2. Final Take Home Exam: 40% of the final grade**

- Distributed in the last class. Students will be required to answer, in essay format, two or three main questions drawn from required readings and class discussions. One or two short essay questions might be included as well. Papers must be typed (using same guidelines as for the Essay).
- Specifically covers material after October 21st (per original schedule) although general references to all course material will also be relevant.
- Due by the last day of the examination period, **December 20, 2008 by 3.45 pm** to the Law Office Essay Drop Chute. Late submission is not permitted. Examination regulations apply with respect to deferral.
- Each student's paper and take home exam answers must be exclusively his or her own work product. All work must be done independently; no group work or consultation will be permitted. Students are not permitted to discuss the exam questions and possible answers with each other, with the exception of any discussion supervised by the Instructor.

**NOTE:** The **Department of Law, Course Policy Statement** applies to this course and is considered incorporated in this Course Outline. See:

<http://www2.carleton.ca/law/current/undergraduate/Policy2008.pdf>

**Course Schedule<sup>1</sup> and Readings<sup>2</sup>**  
(As of September 9, 2008)

Wk	Date	Content
1	September 9	<p><i>Topic:</i></p> <ul style="list-style-type: none"> <li>• Introduction</li> </ul> <p><i>Readings:</i></p> <ul style="list-style-type: none"> <li>• Jury of Her Peers (Ch 1)</li> <li>• Angel, Susan' Glaspell's Trifles (Ch 1) (see also <a href="http://www.midnightassassin.com/Glaspell.html">http://www.midnightassassin.com/Glaspell.html</a>)</li> </ul>
2	September 16	<p><i>Quick Topic: 3</i></p> <ul style="list-style-type: none"> <li>• Susan B Anthony (Ch. 1) and Seneca Falls Declaration</li> <li>• Collage of Firsts, Ch 3B</li> </ul> <p><i>Main Topic: Challenging Exclusion</i></p> <ul style="list-style-type: none"> <li>• <u>Are Women Persons</u></li> </ul> <p><i>Readings:</i></p> <ul style="list-style-type: none"> <li>• Dawson, Law Primer (Ch 3A)</li> <li>• Dawson, Feminist Legal Studies, A Primer (Ch. 3B)</li> <li>• Chapter 4 (all)</li> </ul>
3	September 23	<p>Theme: Strategies and Stances for Inclusion</p> <ul style="list-style-type: none"> <li>• Ch 11C (398-413)</li> </ul>
4	September 30	<p><i>Quick Topic:</i></p> <ul style="list-style-type: none"> <li>• Sojourner Truth (Ch. 1)</li> <li>• Backhouse, History will Judge (Ch 1)</li> <li>• McLachlin, CJC, Bridge to Equality (Ch 11, 414)</li> </ul> <p><i>Main Topic: Challenging Exclusion</i></p> <ul style="list-style-type: none"> <li>• <u>Myths and Stereotypes</u></li> </ul> <p><i>Readings:</i></p> <ul style="list-style-type: none"> <li>• Dawson, Women's Experience, Ch. 6</li> <li>• Graycar, Gender of Judgments, Ch 6</li> <li>• Chapter 6A and <b>one</b> of 6B or 6C</li> </ul>
5	October 7	<p><i>Quick Topic:</i></p> <ul style="list-style-type: none"> <li>• Elsa Barkley Brown, Quilting (Ch 2)</li> <li>• Boyle, Washrooms (Ch 2)</li> </ul> <p><i>Main Topic: Probing Omission, Revisiting Concepts</i></p> <ul style="list-style-type: none"> <li>• <u>Reasonableness</u></li> </ul> <p><i>Readings:</i></p> <ul style="list-style-type: none"> <li>• Chapter 7</li> </ul>

<sup>1</sup> This schedule may be updated during the semester in light of experience. Check [www.lawsite.ca](http://www.lawsite.ca) for updated information.

<sup>2</sup> Readings are from *Women, Law and Social Change*, 5<sup>th</sup> Edition unless otherwise indicated.

<sup>3</sup> These 'Quick Topics' will be used as the basis for small group discussion and reporting back. You will need to read the assigned material before coming to class! When you read the material, try to state (write down) a 'reaction and a question' for discussion with your peers.

- 6    October 14        *Quick Topic:*
- Artefacts: Pregnant Tribunals
- Main Topics:* Probing Omission, Revisiting Concepts
- Relevance and Perception
  - Reproduction
- Readings:
- Chapter 8
  - Chapter 9
- 7    October 21        *Quick Topic:*
- Wilson, Women Judges, Chapter 2
- Main Topic:* Expanding Inclusion
- Toolkits: Legal Rights
  - Impartiality: Legal Process
- Readings:*
- Chapter 11A
  - Chapter 11B
- 8    October 28        *Quick Topic:*
- Artefacts: R. v Chase
- Main Topic:* Expanding Inclusion
- Resistance and Responsiveness of Law: Maternity Benefits and the Scope of Equality Law
- Readings:*
- Chapter 12
- 9    November 4        *Quick Topic:*
- R. v Ponomorev, Chapter 13 (Talking Point)
- Main Topic:* Expanding Inclusion
- Gender Neutrality – Gender Specificity: Reasonable Doubt
- Readings:*
- Chapter 13
- 10   November 11        **Quiz:** *First Part of Class 1.5 hours*
- Main Topic:* Expanding Inclusion
- Enabling and Constraining Social Change: Same Sex Marriage
- Readings:*
- Chapter 14
- 11   November 18        *Topic:* Expanding Inclusion
- Dialogue and Contestation: Sexual Assault Law Reform
- Readings:*
- Chapter 15
- 12   November 25        *Quick Topic:*
- Archetypes: The Legal Lady
- Topic:* Bridging Life and Law
- Forming the Future
- Readings:*
- Chapter 16