

Course Outline

COURSE: LAWS 5302

TERM: Autumn 2013

PREREQUISITES: LAWS

CLASS: **Day & Time:** Monday 14:35-17:25
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: DORIS BUSS
(CONTRACT)

CONTACT: **Office:** D495
 Office Hrs: Thursdays 11:30-1:00
 Telephone: 613 520 2600 EXT 8011
 Email: Doris_buss@carleton.ca

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

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 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/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

COURSE DESCRIPTION

REQUIRED TEXTS

All materials are available on line and/or in the Carleton library.

SUPPLEMENTARY TEXTS

EVALUATION

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

Assignments:

Critical Comments (10% each, must complete 3)	30%	(see below)
Paper proposal (annotated bibliography)	15%	due:
Research paper:	40%	due:
Seminar participation	10%	
Paper presentation:	5%	sign up in class

EVALUATION CRITERIA

All your in-class and written assessments will be evaluated in terms of: depth of preparation (demonstrate a familiarity with the course materials and outside research, as relevant); analytical approach (draw on course materials and outside research, as relevant, to advance your arguments; ask and/or open questions and lines of inquiry that demonstrate an ability to go beyond the obvious and well-worn); and clean style (good grammar and style, without sloppy typos, and avoiding gratuitous 'padding' of material).

Specifically, the assignment instructions and evaluation criteria are:

a. Critical Comments: You are required to write three comment pieces on three different academic (secondary) readings from three different weeks (ie you cannot produce 2 comments on readings from the same week). These should be 3-4 pages long (but no more than 5), and provide a succinct and accessible overview of the article, identifying first: the author's main point, the underlying problem that gave rise to the author's intervention, and the means by which the author makes their argument (what tools of analysis do they draw upon; what subjects/material do they explore): about 1 page. Second: raise and then explore questions and analytical lines of inquiry either stemming from the article (what are the implications of the author's arguments for the subject-matter, other readings and discussions in this course), or in relation to the article (engage directly with the author's argument and/or approach) (about 2-4 pages).

See marking grid, web ct. Materials marked with an * cannot be the subject of a critical comment.

CRITICAL COMMENTS ARE DUE (without exception) AT THE START OF THE CLASS WHERE THE READING IS ASSIGNED.

b. Paper proposal and bibliography

This is a 3-5 page paper proposal that sets out the topic of your research, your main research questions, and the avenues and directions you hope to pursue. A proposal should contain a brief discussion of the background to your topic: what are the events or developments with which your paper is concerned, what developments/directions has the theoretical literature taken, where does your research fit into this background? You should then outline the questions you see emanating from these developments and the literature. Finally, your discussion should outline the directions you are considering to develop your analysis: what theoretical sources, tools or readings might you draw on? What research directions will you pursue? What problems do you anticipate and how might you overcome these?

In addition to the 3-5 page proposal, you are also required to annotate 3 sources (ie books or academic journal articles ONLY!! Newspaper reports, primary sources, are NOT ACCEPTABLE for annotation in this assignment) that you have used in preparing your proposal or that you might use in your research paper. Each annotation should be about 2 paragraphs long, and set out the author's main focus, argument and approach, and why you think this will be useful to your research.

Research paper

This should be about 15-20 pages long (and no more than 25) on a topic to be agreed with me. It must be typed and double-spaced. As above, the paper will be

evaluated on: depth of research and understanding of the topic; clearly expressed theoretical framework; appropriateness of the topic and the sources used; originality of analysis and ability to move beyond obvious pathways; well organized with clean writing.

Seminar Participation

This is a graduate seminar. You are expected to come to class having read all the readings and prepared to engage in depth with those readings (you will find it useful to bring with you written notes on the readings). By participation, I am looking for *engagement* which does not necessarily mean verbal commentary. Not all students are equally comfortable with public speaking. An engaged student is prepared, can offer original and insightful comments as needed, is attentive to class discussion, and does not simply show up to 'put in time'.

Paper Presentation:

In the last 2 weeks of the term, the class will become more informal and each student will briefly discuss their paper. Not all students are comfortable with public speaking, but all graduate students *should* be able to explain their research to an interested audience. This is a chance for you to practice and gain confidence talking about your work. Your presentation should be NO MORE than 15 minutes long and will: provide a short, pithy explanation of your topic, one that could be included in a blog about your work, or that you would give to a prospective employer; explain WHY you are working on this topic: this should be pitched at both a non-expert AND an expert audience: what is important about the subject and what has gone before in the scholarly literature that motivates your interest; and finally, HOW are you doing the research: what are the theoretical tools you are using? What subjects are you examining? What methods?

Feedback sheet available on CU Learn

SCHEDULE AND READINGS

Sept 9 Introduction: Feminism and Knowing

- Susan Glaspell, "A Jury of Her Peers"
<http://www.learner.org/interactives/literature/story/fulltext.html>
- Donna Haraway, "Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective", *Feminist Studies* 1988 14(3): 575-599.
- Sarah Ailwood, Patricia Easteal, Jessica Kennedy, 2012. "Law's indifference to women's experience of violence: Colonial and contemporary Australia", *Women's Studies International Forum* 35: 86-96

Sept 16 **Feminism and Law**

- *Vanessa Munro, *Law and Politics at the Perimeter: Re-Evaluating Key Debates in Feminist Theory*, Chapter 1: "The Development and Dilemmas of Feminist Theory, pp. 11- 39. [on reserve]
- Dorothy Chunn and Danny Lacombe. 2000. Introduction. In *Law as a Gendering Practice*. Ed. D. Chunn and D Lacombe. Toronto: OUP. [on reserve]
- *Rebecca Johnson. 2002. *Taxing Choices: The Intersection of Class, Gender, Parenthood and the Law*, Vancouver: UBC, pp. ix-xv; 3-10 [electronic]

Sept 23 **Feminisms 'others': race, culture and difference**

- Chandra Mohanty, 1991. "Under western eyes: Feminist scholarship and colonial discourses." In *Third World Women and the Politics of Feminism*. Ed. Chandra Mohanty et al, Bloomington and Indianapolis: Indiana University Press; reprinted in *Feminism without Borders*, on reserve
- Leti Volpp, 2001. "Feminism versus Multiculturalism, *Columbia Law Review* 101: 1181.
- Karen Knop, Ralf Michaels, Annelise Riles. 2012. "From Multiculturalism to Technique: Feminism, Culture and the Conflicts of Laws Style", *Stanford Law Review* 64: 589; read sections I, II and IV (ie 589-627; 643-654.
- Ratna Kapur, 2002. "The Tragedy of Victimization Rhetoric: Resurrecting the 'Native' Subject in International/Post-colonial Feminist Legal Politics", *Harvard Human Rights Journal* 15: 1.

Sept 30 **Contemporary Debates on Difference: The Veil**

- Natasha Bakht, 2008. "Veiled Objections: Facing Opposition to Niqab in Courtroom Settings", in Lori Beaman, ed., *Reasonable Accommodation: Managing Religious Diversity*. Vancouver: UBC press, 2009, a draft version available from:
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1476029
- Homa Hoodfar, "The veil in their minds and on our heads: the persistence of colonial images of Muslim women", *Resources for Feminist Research* 22. 3/4 (Fall 1992/Winter 1993): 5-18.

- Brenna Bhandar, 2009. "The ties that bind: Multiculturalism and Secularism Reconsidered", *Journal of Law and Society* 36(3): 301-326.
- *LEAF Supreme Court of Canada factum and backgrounder on *NS*, both available from the LEAF website <http://leaf.ca/legal-issues-cases-and-law-reform/active-cases/>
- *Supreme Court of Canada decision in *R v. NS*, 2012 SCC 72, available from the SCC website. Read the whole decision except: s. IV in the majority decision; dissenting judgment of LeBel and Rothstein (para 58-). Do read the dissenting judgment of Abella.

Oct 07 Contemporary Debates on Difference II: Polygamy

- Lori Beaman, "Church, State and the Legal Interpretation of Polygamy in Canada" *Nova Religio: The Journal of Alternative and Emergent Religions* 2004 8(1): 20-38
- Angela Campbell, "Bountiful Voices" *Osgoode Hall Law Journal* 47: 183-234
- **Reference re: Section 293 of the Criminal Code of Canada*, 2011 British Columbia Supreme Court 1588, 2011 11 23, available at: <http://www.courts.gov.bc.ca/jdb-txt/SC/11/15/2011BCSC1588.htm>, reading the whole decision is recommended, but you are only required to read: paras. 1-45; 71-108; 134-793; 852-904.

Recommended:

Sarah Carter, *The Importance of being Monogamous*

Oct 14 No class – Thanksgiving

Oct 21 Theorizing Rape, Trials and Law Reform

- *Karen Busby, "'Not a Victim until a Conviction is Entered': Sexual Violence Prosecutions and Legal 'Truth'", in Elizabeth Comack, ed. *Locating Law: Race/class/gender connections*, 1999: [electronic]
- Carol Smart. 1989. *Feminism and the Power of Law*. New York and London: Routledge, ch. 2. [electronic]
- Lise Gotell. "The Discursive Disappearance of Sexualized Violence: Feminist Law Reform, Judicial Resistance and Neoliberal Sexual Citizenship," in Dorothy E. Chunn, Susan B. Boyd, and Hester Lessard,

eds., *Feminism, Law and Social Change: (Re)action and Resistance*, (Vancouver: UBC Press, 2007), 127-163. [electronic]

Recommended

Kristen Bumiller. 2008. *In an Abusive State: how neoliberalism appropriated the feminist movement against sexual violence*. Duke University Press.

Oct 28 Reading Week

***** Paper proposal DUE Friday Nov 01 by 4:00 pm on CU Learn.**

In the next three weeks, the materials shift focus to look at some of the same themes we've been exploring, but in the context of transnational law and policy. The readings in these weeks introduce you briefly to the expansive fields of transitional justice (legal mechanisms that assist a society recovering from periods of conflict and violence), peace-building (how to encourage 'peace' and the rebuilding of society post-conflict), and sex trafficking. Within the limits of this course, these vast and complex policy areas are only briefly touched upon. Our more sustained focus will be on issues of agency and consent, and feminist 'knowledge', understood and contested in these international and transnational policy sites.

Nov 04 – War and Peace, Victims and Perpetrators

- Fionnuala Ni Aolain et al. 2011. *Frontlines: Gender, War and the Post-Conflict Process*, chapter 1. [on Reserve]
- Cynthia Enloe. 2004. *The curious feminist: Searching for women in a new age of empire*, chapter 7 (read whole chapter): "All the men are in the militias, all the women are victims: the politics of masculinity and femininity in nationalist wars";
- Mats Utas. 2005. "Victimcy, Girlfriending, Soldiering: Tactic Agency in a Young Woman's Social Navigation of the Liberian War Zone", *Anthropological Quarterly*, 78(2): 403-430.

Nov 11 – class canceled

Nov 18 - War and Peace: The Importance of Knowing and Naming?

- Fionnuala Ni Aolain. 2009. "Exploring a Feminist Theory of Harm in the Context of Conflicted and Post-conflict Societies", http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1507793
- Nicola Henry. 2010. "The Impossibility of Bearing Witness: Wartime Rape and the Promise of Justice" *Violence against Women* 16(1): 1098-1119.
- Binaifer Nowrojee. 2005. "Making the Invisible War Crime Visible: Post-Conflict Justice for Sierra Leone's Rape Victims", *Harvard Human Rights Journal* 18 (Spring): 85-105;

Recommended (but not required)

Tshepo Madlingozi. 2010. "On Transitional Justice Entrepreneurs and the Production of Victims", *Journal of Human Rights Practice* 2(2): 208-228.

Fiona Ross. *Bearing Witness* (Pluto), Ch. 1.

Nov 25: Agency, Consent and International Regulation of Sex Trafficking

- *Natalie, Kitroeff, "America's Sex-trafficking Victims:", 5 April 2012, "On the Ground", Nicholas D. Kristof, blog, <http://kristof.blogs.nytimes.com/2012/04/05/americas-sex-trafficking-victims/>
- *Nicholas Kristof, "Joining on Somaly Mam's Brothel Bust," 12 November 2011, blog, <http://kristof.blogs.nytimes.com/2011/11/12/joining-on-somaly-mams-brothel-bust/>
- Rutvica Andrijasevic, 2007. "beautiful dead bodies: gender, migration and representation in anti-trafficking campaigns", *Feminist Review* 86: 24-44.
- Gretchen Soderlund, 2005. "Running from the Rescuers: New US Crusades Against Sex Trafficking and the Rhetoric of Abolition" *NWSA Journal* 17(3): 64-87.
- Petra de Vries. 2005. "'White Slaves' in a Colonial Nation: The Dutch Campaign Against the Traffic in Women in the Early Twentieth Century", *Social & Legal Studies* 14:39-60.

Additional Reading (if interested):

- Jacqueline Berman. 2003. "(Un) popular Strangers and Crises (Un)Bounded: Discourses of Sex-Trafficking, the European Political Community and the Panicked State of the Modern State", *European Journal of International Relations* 9(1): 37-86.
- Vanessa Munro. 2005. "A Tale of Two Servitudes: Defining and Implementing a Domestic Response to Trafficking of Women for

Prostitution in the UK and Australia”, *Social and Legal Studies* 14(1): 91-114.

Dec 2 and 9 – Paper presentations

- ****Papers due (without exception!), by CU Learn